

CHAPTER 548 - CONSERVATION

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GENERAL PROVISIONS

NRS 548.010 Short title. This chapter may be known and cited as the Conservation Districts Law.
[1:212:1937; 1931 NCL § 6870.01]—(NRS A 1973, 738)

NRS 548.015 Definitions. As used in this chapter, the following terms have the meanings attributed to them in [NRS 548.020](#) to [548.090](#), inclusive, unless the context otherwise requires.
[Part 3:212:1937; 1931 NCL § 6870.03]

NRS 548.020 “Agencies of the United States” defined. “Agencies of the United States” includes the United States of America, the Soil Conservation Service of the United States Department of Agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.
[Part 3:212:1937; 1931 NCL § 6870.03]

NRS 548.025 “Agency of this State” defined. “Agency of this State” includes the government of this State and any subdivision, agency or instrumentality, corporate or otherwise, of the government of this State.
[Part 3:212:1937; 1931 NCL § 6870.03]

NRS 548.030 “Commission” defined. “Commission” means the State Conservation Commission in the State Department of Conservation and Natural Resources.
[Part 3:212:1937; 1931 NCL § 6870.03]—(NRS A 1973, 738; 1977, 1172)

NRS 548.032 “Conservation district” and “district” defined. “Conservation district” or “district” means a governmental subdivision of this State, and a public body corporate and politic, organized in accordance with the provisions of this chapter for the purposes, with the powers, and subject to the restrictions set forth in this chapter.
(Added to NRS by 1973, 737; A 1977, 1172)

NRS 548.035 “Division” defined. “Division” means the Division of Conservation Districts in the State Department of Conservation and Natural Resources.
[Part 3:212:1937; 1931 NCL § 6870.03]—(NRS A 1977, 1172)

NRS 548.040 “Due notice” defined.
1. “Due notice” means notice:
(a) Published at least twice, with an interval of at least 7 days between the two publication dates, in a newspaper or other publication of general circulation within the appropriate area; or
(b) If no such publication of general circulation is available, by posting at a reasonable number of conspicuous places within the appropriate area, such posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally.
2. At any hearing held pursuant to such notice, at the time and place designated in such notice, adjournment may be made from time to time without the necessity of renewing such notice for such adjourned dates.
[Part 3:212:1937; 1931 NCL § 6870.03]

NRS 548.045 “Government” and “governmental” defined. “Government” or “governmental” includes the government of this State, the United States Government, and any subdivision, agency or instrumentality, corporate or otherwise, of either of them.
[Part 3:212:1937; 1931 NCL § 6870.03]

NRS 548.050 “Land occupier” and “occupier of land” defined. “Land occupier” or “occupier of land” means any person, firm or corporation which holds title to, or is in legal possession of, any lands lying within a district organized under the provisions of this chapter, whether as owner or as lessee or tenant under a lease or rental agreement for a term of 1 year or longer, but does not include transient users.
[Part 3:212:1937; 1931 NCL § 6870.03]—(NRS A 1973, 738)

NRS 548.055 “Nominating petition” defined. “Nominating petition” means a petition to nominate candidates for the office of supervisor of a conservation district.
[Part 3:212:1937; 1931 NCL § 6870.03]—(NRS A 1973, 738; 1975, 899)

NRS 548.065 “Petition” defined. “Petition” means a petition filed under the provisions of [NRS 548.185](#) for the creation of a district.
[Part 3:212:1937; 1931 NCL § 6870.03]

NRS 548.069 “Renewable natural resources” and “resources” defined. “Renewable natural resources” or “resources” includes land, soil, water, vegetation, trees, natural landscape and open space.
(Added to NRS by 1973, 737)

NRS 548.075 “State” defined. “State” means the State of Nevada.
[Part 3:212:1937; 1931 NCL § 6870.03]

NRS 548.085 “Supervisor” defined. “Supervisor” means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this chapter.

[Part 3:212:1937; 1931 NCL § 6870.03]

NRS 548.090 “United States” defined. “United States” includes the United States of America, the Soil Conservation Service of the United States Department of Agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

[Part 3:212:1937; 1931 NCL § 6870.03]

NRS 548.095 Declaration of legislative policy: Conditions. It is hereby declared, as a matter of legislative determination:

1. That the renewable natural resources of the State of Nevada are basic assets.
2. That they are being affected by the ever-increasing demands of farm and ranch operations and by changes in land use from agricultural to nonagricultural uses, such as, but not limited to, residential and commercial developments, highways and airports.
3. That conservation, protection, and controlled development of these renewable natural resources are necessary at such rate and such levels of quality as will meet the needs of the people of this State.

[Part 2:212:1937; 1931 NCL § 6870.02]—(NRS A 1973, 738)

NRS 548.100 Declaration of legislative policy: Consequences. It is hereby declared, as a matter of legislative determination, that the consequences of failing to plan for and accomplish the conservation and controlled development of the renewable resources of the State of Nevada are to handicap economic development and cause degeneration of environmental conditions important to future generations.

[Part 2:212:1937; 1931 NCL § 6870.02]—(NRS A 1973, 739)

NRS 548.105 Declaration of legislative policy: Appropriate corrective methods. It is hereby declared, as a matter of legislative determination, that persons in local communities are best able to provide basic leadership and direction for the planning and accomplishment of the conservation and development of renewable natural resources through organization and operation of conservation districts.

[Part 2:212:1937; 1931 NCL § 6870.02]—(NRS A 1973, 740)

NRS 548.110 Declaration of legislative policy: Conservation and control. It is hereby declared to be the policy of the Legislature to recognize the ever-increasing demands on the renewable natural resources of the State and the need to conserve, protect and develop such resources at such levels of quality as will meet the needs of the people of the State.

[Part 2:212:1937; 1931 NCL § 6870.02]—(NRS A 1973, 740)

STATE CONSERVATION COMMISSION

NRS 548.115 Creation; number and appointment of members. The State Conservation Commission, consisting of two ex officio members and seven members appointed by the Governor, is hereby created.

[Part 4:212:1937; A 1951, 190]—(NRS A 1973, 741; 1977, 1244)

NRS 548.120 Ex officio members and alternates.

1. The following shall serve, ex officio, as members of the State Conservation Commission:
 - (a) The Dean of the Max C. Fleischmann College of Agriculture of the University of Nevada, Reno.
 - (b) The Director of the State Department of Agriculture.
2. The ex officio members may appoint, in writing, alternates to attend any meeting of the Commission. Ex officio members or their alternates have full voting powers.
3. An ex officio member of the Commission shall serve on the Commission as long as he retains the office by virtue of which he is serving on the Commission.

[Part 4:212:1937; A 1951, 190]—(NRS A 1960, 431; 1961, 513; 1969, 1443; 1973, 741; 1993, 1704; [1999, 3634](#))

NRS 548.125 Appointment and terms of office of appointed members; vacancies.

1. For the purposes of this section:
 - (a) Area 1 consists of Elko, Eureka, Humboldt, Lander and Pershing counties.
 - (b) Area 2 consists of Carson City and Churchill, Douglas, Lyon, Storey and Washoe counties.
 - (c) Area 3 consists of Clark, Esmeralda, Lincoln, Mineral, Nye and White Pine counties.
2. Not later than September 1, 1973, the Nevada Association of Conservation Districts shall submit to the Governor a list of at least 15 persons, no more than one of whom resides in any one county or conservation district. The list shall include five persons from each of the areas designated in subsection 1.
3. The Governor shall appoint to the Commission one person from each area for a term of 2 years, one person from each area for a term of 4 years, and a member at large, from any area, for a term of 4 years. Upon the expiration of these initial terms, each member shall be appointed for a term of 4 years, except to fill a vacancy for the unexpired term.
4. At least 60 days prior to the expiration of each group of terms, the Nevada Association of Conservation Districts shall submit to the Governor a list of at least nine persons, no more than one of whom resides in any one county or conservation district. The list shall include three persons from each of the areas designated in subsection 1. The Governor shall appoint a person from the same area to succeed each member whose term expires, except that the successor of the member at large may be from any area.
5. Any appointed member who fails to attend three consecutive, regular meetings of the Commission shall, at the recommendation of the Commission, be replaced for the balance of such member's term of office.

6. Vacancies shall be filled by appointment by the Governor from the names on the last list presented to him by the Nevada Association of Conservation Districts.

[Part 4:212:1937; A 1951, 190]—(NRS A 1973, 741)

NRS 548.135 Seal. The Commission shall adopt a seal, which seal shall be judicially noticed.

[Part 4:212:1937; A 1951, 190]—(NRS A 1973, 742)

NRS 548.140 Chairman. The Commission shall designate its Chairman annually from among its appointed members.
[Part 4:212:1937; A 1951, 190]—(NRS A 1973, 742)

NRS 548.145 Compensation of members and employees; operating expenses.

1. Each member of the Commission is entitled to receive a salary of not more than \$80, as fixed by the Commission, for each day's attendance at a meeting of the Commission.
2. While engaged in the business of the Commission, each member and employee of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.
3. The Director of the State Department of Conservation and Natural Resources shall include in his budget the money necessary for the operating expenses of the Commission.

[Part 4:212:1937; A 1951, 190]—(NRS A 1973, 742; 1977, 1244; 1981, 1988; 1985, 437; 1989, 1719)

NRS 548.148 Meetings. The Commission may meet regularly at quarterly intervals. Additional meetings may be held as required.
(Added to NRS by 1973, 737; A 1983, 1447)

NRS 548.150 Quorum. A majority of the Commission shall constitute a quorum, and the concurrence of a majority of the quorum in any matter within their duties shall be required for its determination.
[Part 4:212:1937; A 1951, 190]—(NRS A 1973, 742)

NRS 548.155 Personnel: Employment; compensation; surety bonds; delegation of authority.

1. The State Conservation Commission may employ such personnel, permanent and temporary, as it may require, and shall determine their qualifications, duties and compensation, subject to the limitations of the laws of the State of Nevada.
2. The Commission may provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property.
3. The Commission may delegate to its Chairman, to one or more of its members, or to one or more agents or employees, such powers and duties as it may deem proper.

[Part 4:212:1937; A 1951, 190]—(NRS A 1973, 742)

NRS 548.157 Division of Conservation Districts in State Department of Conservation and Natural Resources to supply staff. The Division of Conservation Districts in the State Department of Conservation and Natural Resources shall perform staff services for the Commission in carrying out its responsibilities under this chapter.
(Added to NRS by 1973, 737)

NRS 548.160 Rules and regulations. The Commission may adopt and promulgate such rules and regulations as may be necessary for the execution of its functions under this chapter.
[Part 4:212:1937; A 1951, 190]—(NRS A 1973, 743)

NRS 548.165 Records. The Commission shall keep a full and accurate record of its official actions and all proceedings, and of all resolutions, regulations and orders issued or adopted.
[Part 4:212:1937; A 1951, 190]—(NRS A 1973, 743; 1979, 118)

NRS 548.170 Attorney General to provide legal services. The Attorney General shall provide such legal services as the Commission may require.
[Part 4:212:1937; A 1951, 190]—(NRS A 1973, 743)

NRS 548.175 General powers and duties. The Commission has the following duties and powers:

1. To carry out the policies of this State in programs at the state level for the conservation of the renewable natural resources of this State and to represent the State in matters affecting such resources.
2. To offer such assistance as may be appropriate to the supervisors of conservation districts in the carrying out of any of their powers and programs, to propose programs and to assist and guide districts in the preparation and carrying out of programs authorized under this chapter, to review district programs, to coordinate the programs of the districts and resolve any conflicts in such programs, and to facilitate, promote, assist, harmonize, coordinate and guide the programs and activities of districts as they relate to other special-purpose districts, counties and other public agencies.
3. To keep the supervisors of each of the districts informed of the activities and experience of all other districts organized pursuant to this chapter, and to facilitate an interchange of advice and experience among those districts and promote cooperation among them.
4. To secure the cooperation and assistance of the United States, any of its agencies and of other agencies of this State in the work of conservation districts.
5. To serve, along with conservation districts, as the official state agency for cooperating with the Natural Resources Conservation Service of the United States Department of Agriculture in carrying on conservation operations within the boundaries of conservation districts as created under this chapter.
6. To enlist the cooperation and collaboration of state, federal, interstate, local, public and private agencies with the conservation districts and to facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation and use of renewable natural resources.
7. To make available, with the assistance of the Division, information concerning the needs and the work of the districts and the Commission to the Director of the State Department of Conservation and Natural Resources, the Legislature, executive agencies and political subdivisions of this State, cooperating federal agencies and the general public.
8. To cooperate with and give such assistance as may be requested by cities, counties, irrigation districts, and other special-purpose districts in the State of Nevada for the purpose of cooperating with the United States through the Secretary of

Agriculture in the furtherance of conservation, pursuant to the provisions of the Watershed Protection and Flood Prevention Act, 16 U.S.C. §§ 1001 et seq., and the requirements of other special programs of the United States Department of Agriculture.

9. Pursuant to procedures developed mutually by the Commission and federal, state and local agencies that are authorized to plan or administer activities significantly affecting the conservation and use of renewable natural resources, to receive from those agencies, for review and comment, suitable descriptions of their plans, programs and activities for purposes of coordination with the conservation districts' programs and to arrange for and participate in conferences necessary to avoid conflict among the plans and programs, to call attention to omissions and to avoid duplication of effort.

10. To submit, with the assistance of the Division, a report to the Director of the State Department of Conservation and Natural Resources whenever the Commission determines that there exists a substantial conflict between the program of a district and the proposed plans or activities directly affecting the conservation of natural resources prepared by any other local governmental unit or agency of this State.

11. By administrative order of the Commission, upon the written request of the board of supervisors of the conservation district or districts involved, with a showing that the request has been approved by a majority vote of the members of each of the boards involved:

(a) To transfer lands from one district established under the provisions of this chapter to another.

(b) To divide a single district into two or more districts, each of which must, thereafter, operate as a separate district under the provisions of this chapter.

(c) To consolidate two or more districts established under the provisions of this chapter into a single district under the provisions of this chapter.

(d) To inform the Administrative Officer of the Division of any action taken pursuant to this subsection for his approval of any new name and the appropriate entry in his records of the changes made.

12. To authorize the change of name of any district, upon receipt by the Commission of a resolution by the board of supervisors of the district for such a change and to present the resolution to the Administrative Officer of the Division for processing and recording in accordance with the provisions of [NRS 548.240](#).

13. To apply for any available grants and to accept and use any grants, gifts or donations to make available grants of money to qualified conservation districts to aid the districts in carrying out the provisions of this chapter.

[Part 4:212:1937; A 1951, 190]—(NRS A 1973, 743; 1977, 1173; 1985, 777; 1995, 1922; [2005, 121](#))

NRS 548.178 Establishment of programs for distributing grants to conservation districts; qualifications for grant; use of grant.

1. The Commission may establish programs for distributing, within the limits of legislative appropriations and other available money, grants of money to conservation districts. Distribution of such grants must be made in the following manner:

(a) The Commission shall distribute grants of money provided by legislative appropriation in equal amounts to each conservation district which the Commission determines qualifies for a grant.

(b) The Commission may distribute grants of money provided by sources other than legislative appropriation in such amounts and subject to such conditions as the Commission determines appropriate to any conservation district which the Commission determines qualifies for a grant.

2. The Commission may determine that a conservation district qualifies for a grant of money pursuant to this section if the district demonstrates to the satisfaction of the Commission that the district:

(a) Has been established in accordance with the provisions of this chapter; and

(b) Is in compliance with all of the requirements of this chapter and the regulations of the Commission adopted pursuant thereto.

3. Except as may otherwise be provided as a condition of a grant of money distributed by the Commission pursuant to paragraph (b) of subsection 1, a conservation district that is awarded a grant of money pursuant to this section may use the money for reasonable and necessary expenses incurred by the district in carrying out its duties and authorities in accordance with this chapter and the annual district budget approved by the Commission.

4. The Commission may adopt such regulations as it considers necessary to carry out the provisions of this section.

(Added to NRS by 1995, 1922; A [2005, 122](#))

NRS 548.180 Cooperation of state agencies and state institutions with Commission. Upon request of the Commission, for the purpose of carrying out any of its functions, the supervising officer of any state agency, or of any state institution of learning, shall, insofar as may be possible under available appropriation and having due regard to the needs of the agency to which the request is directed, assign or detail to the Commission members of the staff or personnel of such agency or institution of learning, and make such special reports, surveys or studies as the Commission may request.

[Part 4:212:1937; A 1951, 190]—(NRS A 1973, 745)

CONSERVATION DISTRICTS

Organization

NRS 548.185 Contents of petition for organization of district.

1. Any 10 occupiers of land lying within the limits of the territory proposed to be organized into a district may file a petition with the State Conservation Commission asking that a conservation district be organized to function in the territory described in the petition.

2. The petition shall set forth:

(a) The proposed name of the district.

(b) That there is need, in the interest of public health, safety and welfare, for a conservation district to function in the territory described in the petition.

(c) A description of the territory proposed to be organized as a district, which shall consist of one or more townships created pursuant to [chapter 257](#) of NRS.

(d) A request that a referendum be held within the territory so defined on the question of the creation of a conservation district in such territory, and that the Commission determine that such a district be created.

3. Where more than one petition is filed covering parts of the same territory, the State Conservation Commission may consolidate all or any such petitions.

[Part 5:212:1937; A 1947, 431; 1951, 190]—(NRS A 1973, 745; 1975, 900)

NRS 548.190 Hearing on petition: Notice; inclusion of other territory.

1. Within 30 days after such a petition has been filed with the State Conservation Commission, it shall cause due notice to be given of a proposed hearing upon:

(a) The question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such district.

(b) The question of the appropriate boundaries to be assigned to such district.

(c) The propriety of the petition and other proceedings taken under this chapter.

(d) All questions relevant to such inquiries.

2. All occupiers of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested persons, shall have the right to attend such hearings and to be heard.

3. If it shall appear upon the hearing that it may be desirable to include, within the proposed district, territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing shall be held.

[Part 5:212:1937; A 1947, 431; 1951, 190]—(NRS A 1973, 746)

NRS 548.195 Commission may determine need for formation of district; definition of boundaries of district.

1. After such hearing, if the Commission determines, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the territory considered at the hearing, the Commission shall make and record such determination, and shall determine the township or townships to be included in the district.

2. In making such determination, the Commission shall give due weight and consideration to:

(a) The topography of the area considered and of the State.

(b) The composition of soils therein.

(c) The distribution of erosion.

(d) The prevailing land use practices.

(e) The desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries.

(f) The relation of the proposed area to existing watersheds and agricultural regions, and to other conservation districts already organized or proposed for organization under the provisions of this chapter.

(g) Such other physical, geographical and economic factors as are relevant, having due regard to the legislative determinations set forth in [NRS 548.095](#) to [548.110](#), inclusive.

3. After consideration of the petition and of any other evidence of interest in the organization of a district, and of the relevant factors regarding the need for a district to function in the territory being considered, the State Conservation Commission may make the determination of such need without holding a hearing.

[Part 5:212:1937; A 1947, 431; 1951, 190]—(NRS A 1973, 746; 1975, 900)

NRS 548.200 Denial of petition; filing of subsequent petition.

1. If the Commission shall determine after the hearing and after due consideration of the relevant facts that there is no need for a conservation district to function in the territory considered at the hearing, the Commission shall make and record such determination and shall deny the petition.

2. After 6 months shall have expired from the date of the denial of any such petition, subsequent petitions covering the same territory may be filed and new hearings held and determinations made thereon.

[Part 5:212:1937; A 1947, 431; 1951, 190]—(NRS A 1973, 747)

NRS 548.205 Determination of administrative practicability and feasibility; referendum on proposition of creation of district.

1. After the Commission has made and recorded a determination that there is need, in the interest of the public health, safety and welfare, for the organization of a district in a particular territory and has determined the township or townships to be included, the Commission shall consider the question whether the operation of a district within such territory with the powers conferred upon conservation districts in this chapter is administratively practicable and feasible.

2. To assist the Commission in the determination of such administrative practicability and feasibility, the Commission shall, within a reasonable time after entry of the finding that there is need for the organization of the proposed district and the determination of its territory, hold a referendum within the proposed district upon the proposition of the creation of the district, and shall cause due notice of such referendum to be given.

3. The question shall be submitted by ballots upon which the words "For creation of a conservation district consisting of the township (or townships) of in the county (or counties) of" and "Against creation of a conservation district consisting of the township (or townships) of in the county (or counties) of" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions, as the voter may favor or oppose creation of such district.

4. All persons determined by the county clerk or clerks to be registered voters residing within the boundaries of the proposed conservation district shall be eligible to vote in such referendum.

[Part 5:212:1937; A 1947, 431; 1951, 190]—(NRS A 1973, 747; 1975, 901)

NRS 548.210 Commission to supervise hearings and referendum; conduct of referendum; informalities not to invalidate.

1. The Commission shall:

(a) Pay all expenses for the issuance of such notices and the conduct of such hearings and referendum.

(b) Supervise the conduct of such hearings and referendum.

(c) Issue appropriate regulations governing the conduct of such hearings and referendum, and providing for the registration prior to the date of the referendum of all eligible voters, or prescribing some other appropriate procedure for the determination of those eligible as voters in such referendum.

2. No informalities in the conduct of such referendum or in any matters relating thereto shall invalidate the referendum or the result thereof if notice thereof shall have been given substantially as provided in this chapter and the referendum shall have been fairly conducted.

[Part 5:212:1937; A 1947, 431; 1951, 190]—(NRS A 1973, 747)

NRS 548.215 Organization of district on determination of administrative practicability and feasibility.

1. The Commission shall publish the result of the referendum and shall thereafter consider and determine whether the operation of the district is administratively practicable and feasible.

2. If the Commission determines that the operation of such district is not administratively practicable and feasible, the Commission shall record such determination and deny the petition.

3. If the Commission determines that the operation of the district is administratively practicable and feasible, the Commission shall record such determination and shall proceed with the organization of the district in the manner provided in this chapter. The Commission shall not determine that the operation of the proposed district is administratively practicable and feasible unless at least a majority of the votes cast in the referendum upon the creation of the district are cast in favor of the creation of such district.

4. In making such determination, the Commission shall give due regard and weight to:

- (a) The attitudes of the occupiers of lands lying within the defined boundaries.
- (b) The number of eligible registered voters who voted in the referendum.
- (c) The proportion of the votes cast in such referendum in favor of the creation of the district to the total number of votes cast.
- (d) The approximate wealth and income of the land occupiers of the proposed district.
- (e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative determinations set forth in [NRS 548.095](#) to [548.110](#), inclusive.

[Part 5:212:1937; A 1947, 431; 1951, 190]—(NRS A 1973, 748; 1975, 901)

NRS 548.220 Subsequent petition after determination by Commission that operation of district is not administratively practicable and feasible. After 6 months shall have expired from the date of entry of a determination by the State Conservation Commission that operation of a proposed district is not administratively practicable and feasible, and denial of a petition pursuant to such determination, subsequent petitions may be filed and action taken thereon in accordance with the provisions of this chapter.

[Part 5:212:1937; A 1947, 431; 1951, 190]—(NRS A 1973, 748)

NRS 548.225 Appointment of temporary supervisors.

1. If the Commission determines that the operation of the proposed district within the defined boundaries is administratively practicable and feasible, the Commission shall appoint five supervisors to act as the governing body of the district until the time of the election of five supervisors by the qualified electors of the district, at which time such appointments shall be terminated. The number of supervisors elected to 2-year and 4-year terms shall correspond to the respective numbers so elected in all other districts at that particular election.

2. The five supervisors appointed by the Commission shall be persons who are by training and experience qualified to perform the specialized, skilled services which will be required of them in the performance of their duties hereunder.

[Part 5:212:1937; A 1947, 431; 1951, 190] + [Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 749; 1975, 902)

NRS 548.230 Procedure to make district a governmental subdivision and corporate and political public body. The district shall be a governmental subdivision of this State and a public body corporate and politic upon the taking of the proceedings designated in [NRS 548.235](#) and [548.240](#).

[Part 5:212:1937; A 1947, 431; 1951, 190]

NRS 548.235 Temporary supervisors to present application to Administrative Officer of Division; contents of application and statements.

1. The five appointed supervisors shall present to the Administrative Officer of the Division an application signed by them, which states:

(a) That a petition for the creation of the district was filed with the Commission pursuant to the provisions of this chapter, and that the proceedings specified in this chapter were taken pursuant to that petition.

(b) That the application is being filed in order to complete the organization of the district as a governmental subdivision and a public body, corporate and politic, under this chapter.

(c) That the Commission has appointed them as supervisors.

(d) The name and official residence of each of the supervisors, together with a certified copy of the appointments evidencing their right to office.

(e) The term of office of each of the supervisors.

(f) The name which is proposed for the district.

(g) The location of the principal office of the supervisors of the district.

2. The application must be subscribed and sworn to by each of the supervisors before a person authorized to take and certify oaths, who shall certify upon the application that he personally knows the supervisors and knows them to be the officers as affirmed in the application, and that each has subscribed thereto in the officer's presence.

3. The application must be accompanied by a statement by the Commission:

(a) That a petition was filed, notice issued and hearing held as required by this chapter.

(b) That the Commission did determine that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the proposed territory and did define the township or townships to be included.

(c) That notice was given and a referendum held on the question of the creation of such a district, and that a majority of the

votes cast in such referendum were in favor of the creation of the district.

(d) That thereafter the Commission did determine that the operation of the proposed district is administratively practicable and feasible.

4. The statement must set forth the township or townships to be included.

[Part 5:212:1937; A 1947, 431; 1951, 190]—(NRS A 1973, 749; 1975, 902; 1985, 779)

NRS 548.240 Administrative Officer of Division to examine and record application and statement; action if name of district similar to name of another district; when district constituted; certificate of organization; boundaries.

1. The Administrative Officer of the Division shall examine the application and statement, and if he finds that the name proposed for the district is not identical with that of any other conservation district of this State or so nearly similar as to lead to confusion or uncertainty, he shall record them in an appropriate book of record in his office.

2. If he finds that the name proposed for the district is identical with that of any other conservation district of this State, or so nearly similar as to lead to confusion and uncertainty, he shall notify the Commission. The Commission shall thereupon submit a new name for the district. Upon receipt of a new name, free of such defects, he shall record the application and statement, with the name so modified, in an appropriate book of record in his office.

3. When the application and statement have been recorded, the district becomes a governmental subdivision of this State and a public body corporate and politic.

4. The Administrative Officer of the Division shall make and issue to the supervisors a certificate, over his signature, of the organization of the district.

5. The boundaries of the district must include the territory determined by the Commission, but must not include any area included within the boundaries of another conservation district organized under the provisions of this chapter.

[Part 5:212:1937; A 1947, 431; 1951, 190]—(NRS A 1973, 750; 1985, 780)

NRS 548.245 Proof of establishment of district.

1. In any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding or action of the district, the district shall be deemed to have been established in accordance with the provisions of this chapter upon proof of the issuance of the certificate by the Administrative Officer of the Division.

2. A copy of such a certificate issued by the Administrative Officer of the Division is admissible in evidence in any such suit, action or proceeding and is proof of the contents thereof.

[Part 5:212:1937; A 1947, 431; 1951, 190]—(NRS A 1985, 780)

Election of First Supervisors After Organization

NRS 548.250 Nominating petitions for candidates for supervisors; signatures.

1. Within 30 days after the date of issuance by the Administrative Officer of the Division of a certificate of organization of a conservation district, nominating petitions may be filed with the Commission to nominate candidates for supervisors at large of the district.

2. The Commission may extend the time within which nominating petitions may be filed.

3. No nominating petition may be accepted by the Commission unless it is subscribed by three or more registered voters residing within the district.

4. Registered voters of the district may sign more than one nominating petition to nominate more than one candidate for supervisor.

[Part 6:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 750; 1975, 903; 1985, 781)

NRS 548.255 Notice of election. The Commission shall give due notice of an election to be held for the election of five supervisors for the district.

[Part 6:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 751)

NRS 548.260 Arrangement of names of candidates for supervisors. The names of all nominees on behalf of whom such nominating petitions have been filed within the time designated in [NRS 548.250](#) shall be printed, arranged in alphabetical order of the surnames, upon ballots, with a square before each name and a direction to insert an X mark in the square before any five names to indicate the voter's preference.

[Part 6:212:1937; A 1945, 28; 1947, 431; 1951, 190]

NRS 548.265 Eligibility to vote at election. All registered voters residing within the district are eligible to vote in such election.

[Part 6:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 751; 1975, 903)

NRS 548.270 Duties of Commission. The Commission shall:

1. Supervise the conduct of such election.
2. Prescribe regulations governing the conduct of such election.
3. Publish the results thereof.

[Part 6:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 751; 1975, 903)

NRS 548.275 Election of supervisors; terms of office.

1. In the election held in 1976, two terms of 4 years each and three terms of 2 years each shall be allocated among the candidates in descending order of number of votes received.

2. Supervisors who receive an equal number of votes shall draw lots to determine their terms.

3. After that election, supervisors shall be elected for terms of 4 years.

[Part 6:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 751; 1975, 903)

Supervisors

NRS 548.280 District to be governed by elected and appointed supervisors. Each district shall be governed by a board consisting of five supervisors elected at large and one or two appointed supervisors, as provided in this chapter.
[Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 751)

NRS 548.283 Appointment of supervisors to represent cities and counties; alternates.

1. The governing bodies of any incorporated cities located within the boundaries of the district shall appoint a representative to represent them as a supervisor on the governing board of the district.
2. If the cities cannot agree on one representative to serve as a supervisor, the Commission shall choose the representative from the nominees proposed by the cities.
3. The governing bodies of any counties located within the boundaries of the district shall appoint a representative to represent them as a supervisor on the governing board of the district.
4. If the counties cannot agree on one representative to serve as a supervisor, the Commission shall choose the representative from the nominees proposed by the several counties.
5. Each representative of a city or county shall designate an alternate to replace him in his absence from meetings of the supervisors of the district. The representative shall send a written notice to the authority which appointed him containing the name and address of the person so designated. The notice must be sent in such a manner that it will be received before the date of the meeting which the alternate is to attend. An alternate has all of the duties, rights and privileges of the replaced representative.
(Added to NRS by 1973, 738; A 1987, 131)

NRS 548.285 Procedure for election of supervisors.

1. The county clerk of the county in which a conservation district is situated, or his designee, shall conduct a biennial nonpartisan election for the replacement of any supervisors whose terms are about to expire and shall pay all costs of that election from county funds.
2. The election must be held either at a mass meeting of electors, held in a centrally located public meeting place within the district, or as part of the general election.
3. If a mass meeting is held for the election, it must be held on one of the first 10 days of November in each even-numbered year.
4. If the election is held at a mass meeting:
 - (a) The chairman of the district supervisors shall preside at this meeting and the secretary of the district shall keep a record of transactions at the meeting.
 - (b) Nominations of candidates must be made verbally from the floor.
 - (c) Voting must be by secret ballot. The chairman of the district supervisors shall appoint three electors present to act, without pay, as judges and tellers to count the votes at the conclusion of voting.
5. If the election is held as part of the general election:
 - (a) Candidates are bound by the election laws governing county elections.
 - (b) Ballots must be provided bearing the names of candidates in alphabetical order by surnames with a square before each name and a direction to insert an X mark in the square before the name or names of the voter's choice.
 - (c) At the close of polling, the sealed ballot boxes must be delivered unopened to the county clerk or his designee, who shall appoint three electors to act, without pay, as judges and tellers to open the boxes and count the votes.
6. The result of the election must be certified to the Commission and to the Administrative Officer of the Division by the county clerk or his designee, within 1 week following the date of election.
7. If a conservation district embodies land lying in more than one county, the county clerks of the respective counties shall confer and delegate to the clerk of the county having the greatest number of qualified electors of the conservation district the duty of carrying out the provisions of this section and shall reimburse that county on a pro rata basis for their respective counties' shares of the expenses of conducting the election.
[Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1957, 235; 1973, 751; 1975, 904; 1985, 781)

NRS 548.290 Terms of office.

1. Each supervisor who is appointed under the provisions of [NRS 548.283](#) shall serve for a term of 2 years.
2. Elected supervisors shall take office on the 1st Monday in January following their election.
[Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 753; 1975, 905)

NRS 548.295 Vacancy in office.

1. A vacancy in the office of supervisor of a district must be filled for the unexpired term as soon as practicable after the office becomes vacant, by appointment by the remaining supervisors of the district.
2. The chairman of the governing body of a district shall certify all such appointments immediately to the Commission and to the Administrative Officer of the Division.
[Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 753; 1985, 782; [2001, 288](#))

NRS 548.300 Removal from office. A supervisor may be removed by the State Conservation Commission, upon notice and hearing, for malfeasance in office, neglect of duty or absence from four consecutive meetings without sufficient cause.
[Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 753; 1987, 131)

NRS 548.305 Quorum. A majority of the supervisors constitutes a quorum, and except as otherwise provided in [NRS 241.0355](#), the concurrence of a majority of the quorum in any matter within their duties is required for their determination.
[Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 753; [2001, 1129](#))

NRS 548.310 Compensation and expenses. A supervisor shall receive no compensation for his services, but he shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties, not to exceed amounts

provided by law for county officials.

[Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 753)

NRS 548.315 Chairman, secretary and other employees: Designation and employment; delegation of powers and duties; surety bonds.

1. The supervisors shall designate a chairman and may, from time to time, change such designation.
2. The supervisors may employ a secretary, technical experts, and such other officers, agents and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties and compensation.
3. The supervisors may delegate to their chairman, to one or more supervisors, or to one or more agents or employees such powers and duties as they may deem proper.
4. The supervisors may provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property.

[Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 754)

NRS 548.320 Records; annual audit of accounts. The supervisors shall:

1. Provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations and orders issued or adopted.
2. Provide for an annual audit of the accounts of receipts and disbursements.

[Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]

NRS 548.325 District attorneys to provide legal services. District attorneys shall provide such legal services as the supervisors may require.

[Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 754)

NRS 548.330 Supervisors to furnish Commission information. The supervisors shall furnish to the State Conservation Commission, upon request:

1. Copies of such ordinances, rules, regulations, orders, contracts, forms and other documents as they shall adopt or employ; and
2. Such other information concerning their activities as the Commission may require in the performance of its duties under this chapter.

[Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]—(NRS A 1973, 754)

NRS 548.335 City or county representatives may advise and consult with supervisors. The supervisors may invite the legislative body of any municipality or county located near the territory comprising the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply or other interests of such municipality or county.

[Part 7:212:1937; A 1945, 28; 1947, 431; 1951, 190]

Powers of Districts and Supervisors

NRS 548.340 Conservation district is governmental subdivision; exercise of public powers. A conservation district organized under the provisions of this chapter shall constitute a governmental subdivision of this State and a public body corporate and politic, exercising public powers.

[Part 8:212:1937; 1931 NCL § 6870.08]—(NRS A 1973, 754)

NRS 548.345 Surveys, investigations and research. In addition to other powers granted in this chapter, a district and the supervisors thereof shall have the power to conduct surveys, investigations and research relating to the conservation of renewable natural resources and the preventive and control measures needed, to publish the results of such surveys, investigations or research, and to disseminate information concerning such preventive and control measures; but in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of this State or any of its agencies, or with the United States or any of its agencies.

[Part 8:212:1937; 1931 NCL § 6870.08]—(NRS A 1973, 754)

NRS 548.350 Demonstrational projects. In addition to other powers granted in this chapter, a district and the supervisors thereof shall have the power to conduct demonstrational projects within the district on lands owned or controlled by this State or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district, upon obtaining the consent of the occupier of such lands or the necessary rights or interests in such lands, in order to demonstrate by example the means, methods and measures by which renewable natural resources may be conserved.

[Part 8:212:1937; 1931 NCL § 6870.08]—(NRS A 1973, 754)

NRS 548.355 Preventive and control measures; repair and restoration of property. In addition to other powers granted in this chapter, a district and the supervisors thereof may:

1. Carry out preventive and control measures within the district, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation and changes in the use of land; and
2. Repair and restore property within the district, including, but not limited to, wetlands, stream corridors and other riparian property,

on land owned or controlled by any government or municipal corporation, with the cooperation of the agency administering and having jurisdiction thereof, and on any other land within the district, upon obtaining the consent of all persons holding any relevant rights or interests in such land.

[Part 8:212:1937; 1931 NCL § 6870.08]—(NRS A 1973, 755; [2001, 288](#))

NRS 548.360 Cooperation and agreements with agencies for conserving renewable natural resources. In addition to other powers granted in this chapter, a district and the supervisors thereof may cooperate or enter into agreements with and, within the limits of appropriations made available to it by law and any money it acquires from any other source, furnish financial or other aid to any governmental or other agency, or any occupier of land within the district, in conserving renewable natural resources within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this chapter.

[Part 8:212:1937; 1931 NCL § 6870.08]—(NRS A 1973, 755; [2001, 288](#))

NRS 548.365 Availability of agricultural and engineering machinery, fertilizer and seeds. In addition to other powers granted in this chapter, a district and the supervisors thereof shall have the power to make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and such other material or equipment as will assist such land occupiers in carrying on operations upon their lands for the conservation of renewable natural resources.

[Part 8:212:1937; 1931 NCL § 6870.08]—(NRS A 1973, 755)

NRS 548.370 Construction, operation and maintenance of facilities and structures. In addition to other powers granted in this chapter, a district and the supervisors thereof shall have the power to construct, operate, improve and maintain such facilities and structures as may be necessary or convenient for the performance of any of the operations authorized in this chapter.

[Part 8:212:1937; 1931 NCL § 6870.08]—(NRS A 1973, 755)

NRS 548.375 Comprehensive plans for conservation. In addition to other powers granted in this chapter, a district and the supervisors thereof shall have the power:

1. To develop comprehensive plans for the conservation of renewable natural resources within the district, which plans shall specify in such detail as may be possible the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in the use of land; and

2. To publish such plans and information and bring them to the attention of occupiers of lands within the district.

[Part 8:212:1937; 1931 NCL § 6870.08]—(NRS A 1973, 755)

NRS 548.380 Administration of projects; acceptance of gifts; participation in cost-sharing on federally financed projects. In addition to other powers granted in this chapter, a district and the supervisors thereof may:

1. Manage or administer any project for the conservation of a renewable natural resource located within its boundaries undertaken by any person, municipal corporation or government.

2. Act as an agent of any person, municipal corporation or government in connection with the acquisition, construction, operation or administration of any project for the conservation of a renewable natural resource within its boundaries.

3. Accept donations, gifts and contributions in money, services, materials or any other form from any source, and use or expend such money, services, materials or other contributions in carrying on its operations.

4. Participate in cost-sharing on federally financed projects.

[Part 8:212:1937; 1931 NCL § 6870.08]—(NRS A 1973, 756; [2001, 289](#))

NRS 548.385 Seal; perpetual succession; rules and regulations. In addition to other powers granted in this chapter, a district and the supervisors thereof shall have the power:

1. To sue and be sued in the name of the district.

2. To have a seal, which seal shall be judicially noticed.

3. To have perpetual succession, unless terminated as provided in this chapter.

4. To make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

5. To make, and from time to time amend and repeal, rules and regulations not inconsistent with this chapter, to carry into effect its purposes and powers.

[Part 8:212:1937; 1931 NCL § 6870.08]

NRS 548.390 Conditions for extension of benefits to lands not controlled by State or its agencies. As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this State or any of its agencies, the supervisors may require contributions in money, services, materials or otherwise to any operations conferring such benefits, and may require land occupiers to enter into and perform such agreements or covenants as to the permanent use of such lands as will tend to prevent or control erosion thereon.

[Part 8:212:1937; 1931 NCL § 6870.08]

NRS 548.393 Acquisition and disposition of property: Power to acquire, maintain and improve property; use of income received therefrom; disposal. In addition to other powers granted in this chapter, a district and the supervisors thereof may, in furtherance of the purposes and provisions of this chapter:

1. Obtain options upon and acquire, by purchase, exchange, lease, gift, grant, bequest, devise or otherwise, except by adverse possession, any property, real or personal, or rights or interests therein;

2. Maintain, administer and improve any properties acquired;

3. Receive income from such properties and expend that income; and

4. Sell, lease or otherwise dispose of any of its property or interests therein.

(Added to NRS by [2003, 1682](#))

NRS 548.395 Acquisition and disposition of property: Applicability of other laws. No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to a district organized under this chapter unless the Legislature shall specifically so state.

[Part 8:212:1937; 1931 NCL § 6870.08]

NRS 548.397 Acquisition and disposition of property: Payments in lieu of taxes; amount; collection.

1. If a district acquires real property on or after July 1, 2003, which is not exempt from property taxes at the time it is acquired by the district, the board of county commissioners of the county in which the property is located shall determine whether the district is required to make payments in lieu of taxes on the property.

2. In determining whether to require the district to make payments in lieu of taxes, the board shall consider the contributions made by the district to the community, such as providing a meeting place for community activities and such other factors as the board determines appropriate.

3. If the district is required to make payments in lieu of taxes, the amount of the payments must be equal to the property taxes which would have been payable on the property if it were not exempt from taxation. The county assessor of the county in which the property is located shall, solely for the purpose of facilitating the payments in lieu of taxes, assess the property in the same manner as the taxable property in the county is assessed. The ex officio tax receiver of that county shall mail to the district an individual bill for the payment in lieu of taxes in the same manner as is required by [NRS 361.480](#) for an individual tax bill.

4. The payments in lieu of taxes are due at the same time and must be collected, accounted for and distributed in the same manner as if the property remained taxable after it was acquired by the district, except that no lien attaches upon any property or money of the district by virtue of any failure to make all or any part of the payments.

(Added to NRS by [2003, 1683](#))

NRS 548.400 Cooperation between districts.

1. The supervisors of any two or more districts organized under the provisions of this chapter may cooperate with and enter into agreements with one another in the exercise of any or all powers conferred in this chapter.

2. Any district may enter into such agreements with a district or districts in adjoining states to carry out such purposes if the law in the other states permits the districts in the states to enter into the agreements.

[13:212:1937; 1931 NCL § 6870.13]—(NRS A 1973, 756)

NRS 548.405 Cooperation of state agencies and political subdivisions; applicability of regulations for use of land to publicly owned land.

1. Agencies of this State which shall have jurisdiction over, or be charged with the administration of, any state-owned lands, and agencies of any county or other governmental subdivision of the State which shall have jurisdiction over, or be charged with the administration of, any county-owned or other publicly owned lands, lying within the boundaries of any district organized under this chapter, shall cooperate to the fullest extent with the supervisors of such districts in the effectuation of programs and operations undertaken by the supervisors under the provisions of this chapter.

2. The supervisors of such districts shall be given free access to enter and perform work upon such publicly owned lands.

3. The provisions of land use regulations adopted pursuant to [NRS 548.410](#) to [548.435](#), inclusive, shall have the force and effect of law over all such publicly owned lands, and shall be in all respects observed by the agencies administering such lands.

[14:212:1937; 1931 NCL § 6870.14]

Regulations for Use of Land; Board of Adjustment**NRS 548.410 Petition; formulation; hearings; determination of whether referendum to be held.**

1. The supervisors of any district may file petitions with the State Conservation Commission at any time to request it to formulate land use regulations applicable to the district.

2. The Commission shall prescribe the form of the petition, which shall be, as nearly as practicable, in the form prescribed in this chapter for petitions to organize a district.

3. The State Conservation Commission shall have authority to formulate regulations, based upon the petition, governing the use of lands within a district in the interest of conserving renewable natural resources and preventing and controlling soil erosion and sedimentation.

4. The Commission shall conduct, after due notice, public meetings and public hearings within the district or districts concerned upon such regulations as it deems necessary to assist it in consideration thereof.

5. The Commission shall determine, on the basis of information presented in the petition or brought out in public hearings, and on the basis of the number of petitioners in relation to the total number of occupiers of land lying within the district, whether it can render a reasonable determination of approval or denial of the petition without holding a referendum, or whether a referendum shall be held.

[Part 9:212:1937; 1931 NCL § 6870.09]—(NRS A 1973, 756)

NRS 548.415 Proposed ordinance; notices of referendum; form of question; informalities not to invalidate referendum.

If a referendum is to be held:

1. The proposed regulations shall be embodied in a proposed ordinance.

2. Copies of such proposed ordinance shall be available for the inspection of all eligible voters during the period between publication of such notice and the date of the referendum.

3. The notices of the referendum shall recite the contents of such proposed ordinance, or shall state where copies of such proposed ordinance can be examined.

4. The question shall be submitted by ballots, upon which the words "For approval of proposed ordinance No., prescribing land use regulations for conservation of soil and prevention of erosion" and "Against approval of proposed ordinance No., prescribing land use regulations for conservation of soil and prevention of erosion" shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions as the voter may favor or oppose approval of such proposed ordinance.

5. The Commission shall supervise such referendum, shall prescribe appropriate regulations governing the conduct thereof, and shall publish the result thereof.

6. All persons determined by the county clerk or clerks to be registered voters residing within the district are eligible to vote in such referendum.

7. No informalities in the conduct of such referendum or in any matters relating thereto invalidate the referendum or the result

thereof if notice thereof was given substantially as provided in this chapter and the referendum was fairly conducted.
 [Part 9:212:1937; 1931 NCL § 6870.09]—(NRS A 1973, 757; 1975, 905)

NRS 548.420 Approval of proposed ordinance; effect of regulations.

1. The Commission shall not have authority to enact such proposed ordinance into law unless at least a majority of the votes cast in such referendum shall have been cast for approval of the proposed ordinance.

2. The approval of the proposed ordinance by a majority of the votes cast in such referendum shall not be deemed to require the Commission to enact such proposed ordinance into law.

3. Land use regulations prescribed in ordinances adopted pursuant to the provisions of [NRS 548.410](#) to [548.435](#), inclusive, by the Commission shall have the force and effect of law in the conservation district and shall be binding and obligatory upon all occupiers of lands within such district.

[Part 9:212:1937; 1931 NCL § 6870.09]—(NRS A 1973, 758)

NRS 548.425 Procedure for amendment or repeal of regulations.

1. Any occupier of land within such district may at any time file a petition with the Commission asking that any or all of the land use regulations prescribed in any ordinance adopted by the Commission under the provisions of [NRS 548.410](#) to [548.435](#), inclusive, shall be amended, supplemented or repealed.

2. Land use regulations prescribed in any ordinance adopted pursuant to the provisions of [NRS 548.410](#) to [548.435](#), inclusive, shall not be amended, supplemented or repealed except in accordance with the procedure prescribed in [NRS 548.410](#) to [548.435](#), inclusive, for adoption of land use regulations.

3. Referenda on adoption, amendment, supplementation or repeal of land use regulations shall not be held more often than once in 6 months.

[Part 9:212:1937; 1931 NCL § 6870.09]—(NRS A 1973, 758)

NRS 548.430 Permissible provisions. The regulations to be adopted by the Commission under the provisions of [NRS 548.410](#) to [548.435](#), inclusive, may include:

1. Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dikes, dams, ponds, ditches and other necessary structures.

2. Provisions requiring observance of particular methods of cultivation, including contour cultivating, contour furrowing, lister furrowing, sowing, planting, strip cropping, seeding, and planting of lands to water-conserving and erosion-preventing plants, trees and grasses, forestation, and reforestation.

3. Specifications of cropping programs and tillage practices to be observed.

4. Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be adequately controlled if cultivation is carried on.

5. Provisions for such other means, measures, operations, and programs as may assist conservation of renewable natural resources and prevent or control soil erosion and sedimentation in the conservation district, having due regard to the legislative findings set forth in [NRS 548.095](#) to [548.110](#), inclusive.

[Part 9:212:1937; 1931 NCL § 6870.09]—(NRS A 1973, 758)

NRS 548.435 Uniformity of regulations; availability to occupiers of lands within district.

1. The regulations shall be uniform throughout the territory comprising the land use district, except that the Commission may classify the lands within the district with reference to such factors as soil type, degree of slope, degree of erosion threatened or existing, cropping and tillage practices in use, and other relevant factors, and may provide regulations varying with the type or class of land affected, but uniform as to all lands within each class or type.

2. Copies of land use regulations adopted under the provisions of [NRS 548.410](#) to [548.435](#), inclusive, shall be printed and made available to all occupiers of lands lying within the district.

[Part 9:212:1937; 1931 NCL § 6870.09]—(NRS A 1973, 758)

NRS 548.440 Enforcement of regulations; damages.

1. The Commission or supervisors shall have authority to go upon any lands within the land use district to determine whether land use regulations adopted under the provisions of [NRS 548.410](#) to [548.435](#), inclusive, are being observed.

2. The Commission is authorized to provide by ordinance that any land occupier who shall sustain damages from any violation of such regulations by any other land occupier may recover damages at law from such other land occupier for such violation.

[10:212:1937; 1931 NCL § 6870.10]—(NRS A 1967, 611; 1973, 759)

NRS 548.445 Petition to district court to require observance.

1. Where the Commission shall find that any of the provisions of land use regulations prescribed in an ordinance adopted in accordance with the provisions of [NRS 548.410](#) to [548.435](#), inclusive, are not being observed on particular lands, and that such nonobservance tends to increase erosion on other lands and is interfering with the prevention or control of erosion on other lands within a land use district, the Commission may present to the district court having jurisdiction a petition, duly verified:

(a) Setting forth the adoption of the ordinance prescribing land use regulations, the failure of the defendant land occupier to observe such regulations, and to perform particular work, operations or avoidances as required thereby, and that such nonobservance tends to increase erosion on such lands and is interfering with the prevention or control of erosion on other lands within the land use district; and

(b) Praying the court to require the defendant to perform the work, operations or avoidances within a reasonable time and to order that, if the defendant shall fail so to perform, the Commission may go on the land, perform the work or other operations or otherwise bring the condition of such lands into conformity with the requirements of such regulations, and recover the costs and expenses thereof, with interest, from the occupier of such land.

2. In all cases where the person, in possession of lands, who shall fail to perform such work, operations or avoidances shall not be the owner, the owner of such lands shall be joined as a party defendant.

[Part 11:212:1937; 1931 NCL § 6870.11]—(NRS A 1973, 759)

NRS 548.450 Service of process; appointment of master; hearing; order of court.

1. Upon the presentation of the petition, the court shall cause process to be issued against the defendant, and shall hear the case.
2. If it shall appear to the court that testimony is necessary for the proper disposition of the matter, the court may take evidence or appoint a master to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made.
3. The court may dismiss the petition; or it may require the defendant to perform the work, operations or avoidances, and may provide that upon the failure of the defendant to initiate such performance within the time specified in the order of the court, and to prosecute the same to completion with reasonable diligence, the Commission may enter upon the lands involved and perform the work or operations or otherwise bring the condition of such lands into conformity with the requirements of the regulations and recover the costs and expenses thereof, with interest at the rate of 5 percent per annum, from the occupier of such lands.

[Part 11:212:1937; 1931 NCL § 6870.11]—(NRS A 1973, 759)

NRS 548.455 Court to retain jurisdiction until work completed; entry of judgment for costs and expenses; judgment as lien.

1. The court shall retain jurisdiction of the case until after the work has been completed.
2. Upon completion of such work pursuant to such order of the court, the Commission may file a petition with the court, a copy of which shall be served upon the defendant in the case, stating the costs and expenses sustained by them in the performance of the work and praying judgment therefor with interest.
3. The court shall have jurisdiction to enter judgment for the amount of such costs and expenses, with interest at the rate of 5 percent per annum until paid, together with the costs of suit, including a reasonable attorney's fee to be fixed by the court.
4. The Commission shall have further authority to certify to the county recorder of the county or counties in which any of the lands of the land use district are situated the amount of such judgment, which shall be a lien upon such lands, and shall be collected as general taxes upon real property are collected. The procedure for collection of delinquent general taxes upon real property shall be applicable to the collection of such judgments. When such judgment shall be paid or collected, the proceeds shall be paid over to the commission.

[Part 11:212:1937; 1931 NCL § 6870.11]—(NRS A 1973, 760)

NRS 548.460 Board of adjustment: Establishment. Where the Commission shall adopt an ordinance prescribing land use regulations in accordance with the provisions of [NRS 548.410](#) to [548.435](#), inclusive, they shall further provide by ordinance for the establishment of a board of adjustment.

[Part 12:212:1937; 1931 NCL § 6870.12]—(NRS A 1973, 760)

NRS 548.465 Board of adjustment: Number, appointment and terms of members.

1. The board of adjustment shall consist of three members appointed by the State Conservation Commission, with the advice and approval of the supervisors of the district or districts for which the board has been established.
2. Each member shall be appointed for a term of 3 years, except that the members first appointed shall be appointed for terms of 1, 2 and 3 years, respectively.
3. Members of the State Conservation Commission and the supervisors of the district or districts shall be ineligible to appointment as members of the board of adjustment during their tenure of such other office.

[Part 12:212:1937; 1931 NCL § 6870.12]—(NRS A 1973, 760)

NRS 548.470 Board of adjustment: Vacancies. Vacancies in the board of adjustment shall be filled in the same manner as original appointments, and shall be for the unexpired term of the member whose office becomes vacant.

[Part 12:212:1937; 1931 NCL § 6870.12]

NRS 548.475 Board of adjustment: Removal of member. A member of the board of adjustment shall be removed from office, upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason. The hearing shall be conducted jointly by the State Conservation Commission and the supervisors of the district or districts.

[Part 12:212:1937; 1931 NCL § 6870.12]—(NRS A 1973, 761)

NRS 548.480 Board of adjustment: Compensation of members and employees.

1. The members of the board of adjustment are entitled to receive a salary of not more than \$80 per day, as fixed by the board, for time spent on the work of the board of adjustment.
2. While engaged in the business of the board, each member and employee of the board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

[Part 12:212:1937; 1931 NCL § 6870.12]—(NRS A 1973, 761; 1989, 1719)

NRS 548.485 Board of adjustment: Chairman.

1. The board of adjustment shall designate a chairman from among its members, and may, from time to time, change such designation.
2. The chairman or, in his absence, such other member of the board as he may designate to serve as acting chairman may administer oaths and compel the attendance of witnesses.

[Part 12:212:1937; 1931 NCL § 6870.12]

NRS 548.490 Board of adjustment: Meetings; quorum.

1. Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board may determine. All meetings of the board shall be open to the public.
2. Any two members of the board shall constitute a quorum.

[Part 12:212:1937; 1931 NCL § 6870.12]

NRS 548.495 Board of adjustment: Rules; records.

1. The board of adjustment shall adopt rules to govern its procedures, which rules shall be in accordance with the provisions of this chapter and with the provisions of any ordinance adopted pursuant to [NRS 548.460](#).

2. The board shall keep a full and accurate record of all proceedings, of all documents filed with it, and of all orders entered, which shall be filed in the office of the board and shall be a public record.

[Part 12:212:1937; 1931 NCL § 6870.12]

NRS 548.500 Board of adjustment: Commission to pay expenses. The Commission shall pay the necessary administrative and other expenses of operation incurred by the board of adjustment, upon the certificate of the chairman of the board.

[Part 12:212:1937; 1931 NCL § 6870.12]—(NRS A 1973, 761)

NRS 548.505 Petition for variance: Notice; hearing; determination of board; order.

1. Any land occupier may file a petition with the board of adjustment alleging that there are great practical difficulties or unnecessary hardship in the way of his carrying out upon his lands the strict letter of the land use regulations prescribed by ordinance approved by the Commission, and praying the board of adjustment to authorize a variance from the terms of the land use regulations in the application of such regulations to the lands occupied by the petitioner.

2. Copies of such petition shall be served by the petitioner upon the Chairman of the State Conservation Commission.

3. The board of adjustment shall fix a time for the hearing of the petition and cause due notice of such hearing to be given.

4. The supervisors of the district or districts and the State Conservation Commission shall have the right to appear and be heard at the hearing.

5. Any occupier of lands lying within the district who shall object to the authorizing of the variance prayed for may intervene and become a party to the proceedings. Any party to the hearing before the board of adjustment may appear in person, by agent or by attorney.

6. If, upon the facts presented at the hearing, the board of adjustment shall determine that there are great practical difficulties or unnecessary hardship in the way of applying the strict letter of any of the land use regulations upon the lands of the petitioner, the board shall make and record such determination and shall make and record findings of fact as to the specific conditions which establish such great practical difficulties or unnecessary hardship.

7. Upon the basis of such findings and determination, the board shall have power by order to authorize such variance from the terms of the land use regulations, in their application to the lands of the petitioner, as will relieve such great practical difficulties or unnecessary hardship and will not be contrary to the public interest, and so that the spirit of the land use regulations shall be observed, the public health, safety and welfare secured, and substantial justice done.

[Part 12:212:1937; 1931 NCL § 6870.12]—(NRS A 1973, 761)

NRS 548.510 Procedure for review of order of board of adjustment by district court.

1. Any petitioner aggrieved by an order of the board of adjustment granting or denying, in whole or in part, the relief sought, the supervisors of the district or districts, the Commission or any intervening party may obtain a review of such order in district court, by filing in such court a petition praying that the order of the board of adjustment be modified or set aside.

2. A copy of such petition shall forthwith be served upon the parties to the hearing before the board of adjustment, and thereupon the party seeking review shall file in the court a transcript of the entire record in the proceedings, certified by the board of adjustment, including the documents and testimony upon which the order complained of was entered, and the findings, determination and order of the board of adjustment.

3. Upon such filing, the court shall cause notice thereof to be served upon the parties and shall have jurisdiction of the proceedings and of the questions determined or to be determined therein, and shall have power to grant such temporary relief as it deems just and proper, and to make and enter a decree enforcing, modifying and enforcing as so modified, or setting aside, in whole or in part, the order of the board of adjustment.

4. No contention that has not been urged before the board of adjustment shall be considered by the court unless the failure or neglect to urge such contention shall be excused because of extraordinary circumstances.

5. The findings of the board of adjustment as to the facts, if supported by evidence, shall be conclusive.

6. If any party shall apply to the court for leave to produce additional evidence and shall show to the satisfaction of the court that such evidence is material and that there were reasonable grounds for the failure to produce such evidence in the hearing before the board of adjustment, the court may order such additional evidence to be taken before the board of adjustment and to be made a part of the transcript. The board of adjustment may modify its findings as to the facts or make new findings, taking into consideration the additional evidence so taken and filed, and the board of adjustment shall file such modified or new findings, which, if supported by evidence, shall be conclusive, and shall file with the court its recommendations, if any, for the modification or setting aside of its original order.

7. The jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review in the same manner as are other judgments or decrees of the court.

[Part 12:212:1937; 1931 NCL § 6870.12]—(NRS A 1973, 762)

Inclusion and Exclusion of Lands

NRS 548.515 Procedure for inclusion of land.

1. Petitions for including additional territory within an existing district shall be filed with the State Conservation Commission.

2. The proceedings provided for in this chapter in the case of petitions to organize a district shall be observed in the case of petitions for inclusion, except that the application for a certificate of inclusion shall be signed by the chairman and the secretary of the governing body of the district into which the additional territory is to be included.

3. The State Conservation Commission shall prescribe the form for the petitions, which shall be, as nearly as practicable, in the form prescribed in this chapter for petitions to organize a district.

4. Where the total number of land occupiers in the area proposed for inclusion shall be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no referendum need be held.

5. In referenda upon petitions for inclusion, all occupiers of land lying within the proposed additional area shall be eligible to vote.

6. The Commission shall determine whether or not such inclusion shall be made.
 [Part 5:212:1937; A 1947, 431; 1951, 190]—(NRS A 1973, 763)

NRS 548.520 Procedure for exclusion of land.

1. Petitions to withdraw lands from a district may be filed with the State Conservation Commission at any time.
2. The Commission shall prescribe the form of the petition, which shall be, as nearly as practicable, in the form prescribed in this chapter for petitions to organize a district.
3. Where the total number of land occupiers in the area affected by a proposed withdrawal will be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no referendum need be held.
4. In referenda upon petitions for withdrawal, all occupiers of land lying within the area affected by the proposed change in boundary shall be eligible to vote.
5. The Commission shall determine whether or not such withdrawal shall be made.
 [5.5:212:1937; added 1955, 154]—(NRS A 1960, 73; 1973, 763)

Dissolution

NRS 548.525 Petition for discontinuance; determination of need for referendum.

1. At any time after 5 years after the organization of a district under the provisions of this chapter, any 10 occupiers of land lying within the boundaries of such district may file a petition with the State Conservation Commission praying that the operations of the district be terminated and the existence of the district be discontinued.
2. The Commission may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof.
3. The Commission shall determine, on the basis of information presented in the petition or brought out in public hearings and on the basis of the number of petitioners in relation to the total number of occupiers of land lying within the district, whether it can render a reasonable determination of approval or denial of the petition without holding a referendum, or whether a referendum shall be held.
 [Part 15:212:1937; 1931 NCL § 6870.15]—(NRS A 1973, 764)

NRS 548.530 Referendum on petition for discontinuance.

1. Within 60 days after a petition for discontinuance has been received by the state conservation commission, it shall give due notice of the holding of the referendum if one is to be held.
2. The Commission shall supervise the referendum and issue appropriate regulations governing the conduct thereof.
3. The question shall be submitted by ballots upon which the words “For terminating the existence of the (name of the conservation district to be here inserted)” and “Against terminating the existence of the (name of the conservation district to be here inserted)” shall be printed, with a square before each proposition and a direction to insert an X mark in the square before one or the other of the propositions, as the voter may favor or oppose discontinuance of such district.
4. All persons determined by the county clerk or clerks to be registered voters residing within the district are eligible to vote in such referendum.
5. No informalities in the conduct of such referendum or in any matters relating thereto invalidate the referendum or the result thereof if notice thereof was given substantially as provided in this chapter and the referendum was fairly conducted.
6. The Commission shall publish the result of the referendum.
 [Part 15:212:1937; 1931 NCL § 6870.15]—(NRS A 1973, 764; 1975, 906)

NRS 548.535 Discontinuance of district on determination that continued operation is not administratively practicable or feasible.

1. The Commission shall consider the information and facts presented in the petition and brought out in any public hearings that may be held and the result of the referendum if one is held, and shall thereafter determine whether the continued operation of the district is administratively practicable and feasible.
 2. If the Commission determines that the continued operation of such district is administratively practicable and feasible, the Commission shall record such determination and deny the petition. The Commission shall not determine that the continued operation of the district is administratively practicable and feasible unless the number of petitioners comprises less than a majority of the registered voters in the district or unless at least a majority of the votes cast in the referendum were cast in favor of the continuance of such district.
 3. If the Commission determines that the continued operation of the district is not administratively practicable and feasible, the Commission shall record such determination and shall certify such determination to the supervisors of the district.
 4. In making such determination the Commission shall give due regard and weight to:
 - (a) The attitudes of the occupiers of lands lying within the district.
 - (b) The number of eligible registered voters who voted in the referendum.
 - (c) The proportion of petitioners to the total number of land occupiers in the district, and the proportion of the votes cast in favor of the discontinuance of the district to the total number of votes cast.
 - (d) The approximate wealth and income of the land occupiers of the district.
 - (e) The probable expense of carrying on erosion-control operations within such district.
 - (f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings as set forth in [NRS 548.095](#) to [548.110](#), inclusive.
- [Part 15:212:1937; 1931 NCL § 6870.15]—(NRS A 1973, 764; 1975, 906)

NRS 548.540 Limitation on subsequent petitions for discontinuance of district. The State Conservation Commission shall not entertain petitions for the discontinuance of any district, nor conduct referenda upon such petitions, nor make any determination pursuant to such petitions in accordance with the provisions of this chapter, more often than once in 5 years.
 [Part 15:212:1937; 1931 NCL § 6870.15]—(NRS A 1973, 765)

NRS 548.545 Procedure on discontinuance of district; certificate of dissolution.

1. Upon receipt from the Commission of a certification that the Commission has determined that the continued operation of the district is not administratively practicable and feasible, pursuant to the provisions of [NRS 548.535](#), the supervisors shall forthwith proceed to terminate the affairs of the district.

2. The supervisors shall dispose of all property belonging to the district at public auction and shall pay over the proceeds of the sale to the State Treasurer for deposit in the State Treasury.

3. The supervisors shall thereupon file an application with the Administrative Officer of the Division for the discontinuance of the district, and shall transmit with the application the certificate of the Commission setting forth the determination of the Commission that the continued operation of the district is not administratively practicable and feasible. The application must recite that the property of the district has been disposed of and the proceeds paid over as provided in this section, and must set forth a full accounting of those properties and proceeds of the sale.

4. The Administrative Officer of the Division shall issue to the supervisors a certificate of dissolution and shall record the certificate in an appropriate book of records in his office.

[Part 15:212:1937; 1931 NCL § 6870.15]—(NRS A 1973, 765; 1985, 782)

NRS 548.550 Effect of certificate of dissolution.

1. Upon the issuance of a certificate of dissolution under the provisions of [NRS 548.545](#), all ordinances and regulations theretofore adopted and in force within such district shall be of no further force and effect.

2. All contracts theretofore entered into, to which the district or supervisors are parties, shall remain in force and effect for the period provided in such contracts. The State Conservation Commission shall be substituted for the district or supervisors as a party to such contracts. The Commission shall be entitled to all benefits and shall be subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, and to modify or terminate such contracts by mutual consent or otherwise, as the supervisors of the district would have had.

3. Such dissolution shall not affect the lien of any judgment entered under the provisions of [NRS 548.455](#), nor the pendency of any action instituted under the provisions of [NRS 548.445](#) and [548.450](#), and the Commission shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions.

[Part 15:212:1937; 1931 NCL § 6870.15]—(NRS A 1973, 766)