

ASSEMBLY BILL NO. 347—ASSEMBLYMAN OHRENSCHALL

MARCH 16, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to domestic wells. (BDR 48-253)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: No.

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

AN ACT relating to water; revising provisions relating to the drilling of domestic wells; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the State Engineer is authorized to make such rules,
2 regulations and orders as are deemed essential for the welfare of a groundwater
3 basin or portion thereof that has been designated by the State Engineer. (NRS
4 534.030, 534.120) With certain exceptions, a person who wishes to drill a well in a
5 designated basin is required under existing law to apply to and obtain a permit from
6 the State Engineer to appropriate the water before drilling the well. (NRS 534.050)
7 One exception from this requirement is for the drilling of a well for domestic
8 purposes, also known as a domestic well, which is limited to a draught of 2 acre-
9 feet per year. (NRS 534.013, 534.180) The State Engineer, through the Division of
10 Water Resources of the State Department of Conservation and Natural Resources,
11 is also authorized to approve all subdivision maps and certain parcel maps with
12 respect to water supply and to require the relinquishment of a water right in
13 connection therewith in certain circumstances. (NRS 278.377, 278.461, 534.120)

14 This bill authorizes the State Engineer on or after July 1, 2015, in designated
15 groundwater basins or portions thereof, to allow the drilling of a conservation
16 domestic well or require the drilling of such a well instead of a domestic well. A
17 conservation domestic well is a domestic well for which the maximum quantity of
18 water that may be withdrawn and used is 0.5 acre-feet per year, which is less than
19 the maximum draught of a domestic well authorized under existing law. If the State
20 Engineer authorizes or requires the drilling of such a well, this bill requires the
21 owner of the conservation domestic well to install a water meter, ensure that the
22 draught of the well does not exceed 0.5 acre-feet in a calendar year and report
23 annually on total withdrawal from the well. A violation of these requirements by an
24 owner of a conservation domestic well could subject the owner to civil and criminal



25 penalties. (NRS 534.190, 534.193) In addition, this bill mandates the State
26 Engineer to require, in connection with the approval of a parcel map in such a
27 basin, the relinquishment of a water right to the State Engineer in an amount
28 determined to be sufficient by the State Engineer based on conditions in the basin.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 534.120 is hereby amended to read as follows:

2 534.120 1. Within an area that has been designated by the
3 State Engineer, as provided for in this chapter, where, in the
4 judgment of the State Engineer, the groundwater basin is being
5 depleted, the State Engineer in his or her administrative capacity
6 may make such rules, regulations and orders as are deemed essential
7 for the welfare of the area involved.

8 2. In the interest of public welfare, the State Engineer is
9 authorized and directed to designate preferred uses of water within
10 the respective areas so designated by the State Engineer and from
11 which the groundwater is being depleted, and in acting on
12 applications to appropriate groundwater, the State Engineer may
13 designate such preferred uses in different categories with respect to
14 the particular areas involved within the following limits:

15 (a) Domestic, municipal, quasi-municipal, industrial, irrigation,
16 mining and stock-watering uses; and

17 (b) Any uses for which a county, city, town, public water district
18 or public water company furnishes the water.

19 3. Except as otherwise provided in subsection 5, the State
20 Engineer may:

21 (a) Issue temporary permits to appropriate groundwater which
22 can be limited as to time and which may, except as limited by
23 subsection 4, be revoked if and when water can be furnished by an
24 entity such as a water district or a municipality presently engaged in
25 furnishing water to the inhabitants thereof.

26 (b) Deny applications to appropriate groundwater for any use in
27 areas served by such an entity.

28 (c) Limit the depth of domestic wells.

29 (d) Prohibit the drilling of wells for domestic use, as defined in
30 NRS 534.013, in areas where water can be furnished by an entity
31 such as a water district or a municipality presently engaged in
32 furnishing water to the inhabitants thereof.

33 (e) In connection with the approval of a parcel map in which any
34 parcel is proposed to be served by a domestic well, require the
35 dedication to a city or county or a designee of a city or county, or
36 require a relinquishment to the State Engineer, of any right to
37 appropriate water required by the State Engineer to ensure a



1 sufficient supply of water for each of those parcels, unless the
2 dedication of the right to appropriate water is required by a local
3 ordinance.

4 4. The State Engineer may revoke a temporary permit issued
5 pursuant to subsection 3 for residential use, and require a person to
6 whom groundwater was appropriated pursuant to the permit to
7 obtain water from an entity such as a water district or a municipality
8 engaged in furnishing water to the inhabitants of the designated
9 area, only if:

10 (a) The distance from the property line of any parcel served by a
11 well pursuant to a temporary permit to the pipes and other
12 appurtenances of the proposed source of water to which the property
13 will be connected is not more than 180 feet; and

14 (b) The well providing water pursuant to the temporary permit
15 needs to be redrilled or have repairs made which require the use of a
16 well-drilling rig.

17 5. The State Engineer may, in an area in which have been
18 issued temporary permits pursuant to subsection 3, limit the depth of
19 a domestic well pursuant to paragraph (c) of subsection 3 or prohibit
20 repairs from being made to a well, and may require the person
21 proposing to deepen or repair the well to obtain water from an entity
22 such as a water district or a municipality engaged in furnishing
23 water to the inhabitants of the designated area, only if:

24 (a) The distance from the property line of any parcel served by
25 the well to the pipes and other appurtenances of the proposed source
26 of water to which the property will be connected is not more than
27 180 feet; and

28 (b) The deepening or repair of the well would require the use of
29 a well-drilling rig.

30 6. *On or after July 1, 2015, within an area that has been*
31 *designated as a groundwater basin by the State Engineer pursuant*
32 *to NRS 534.030, the State Engineer:*

33 (a) *May authorize the drilling of a conservation domestic well.*

34 (b) *May require the drilling of a conservation domestic well*
35 *instead of a domestic well.*

36 (c) *Shall, in connection with the approval of a parcel map in*
37 *which any parcel will be served by a conservation domestic well,*
38 *require the relinquishment to the State Engineer of any right to*
39 *appropriate water in an amount determined by the State Engineer*
40 *to ensure a sufficient supply of water based on conditions within*
41 *the basin.*

42 7. *If the drilling of a conservation domestic well is authorized*
43 *or required pursuant to subsection 6, the owner of the*
44 *conservation domestic well shall:*



1 (a) *Install a water meter capable of measuring the total*
2 *withdrawal of water from the conservation domestic well;*

3 (b) *Ensure that the total withdrawal of water from the*
4 *conservation domestic well does not exceed 0.5 acre-feet during a*
5 *calendar year; and*

6 (c) *File a report with the State Engineer on a form prescribed*
7 *by the State Engineer within 30 days after the end of each*
8 *calendar year indicating the total quantity of water withdrawn*
9 *from the conservation domestic well during the immediately*
10 *preceding calendar year.*

11 8. For good and sufficient reasons, the State Engineer may
12 exempt the provisions of this section with respect to public housing
13 authorities.

14 ~~7~~ 9. The provisions of this section do not prohibit the State
15 Engineer from revoking a temporary permit issued pursuant to this
16 section if any parcel served by a well pursuant to the temporary
17 permit is currently obtaining water from an entity such as a water
18 district or a municipality engaged in furnishing water to the
19 inhabitants of the area.

20 10. *As used in this section, "conservation domestic well"*
21 *means a well that is drilled for the development and use of*
22 *underground water for domestic purposes where the draught is*
23 *limited to 0.5 acre-feet per year.*

24 Sec. 2. This act becomes effective on July 1, 2015.

