

ASSEMBLY BILL NO. 408—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 5, 1999

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to appropriation of water. (BDR 48-1541)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: 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; establishing the circumstances under which certain temporary permits for the appropriation of ground water may be revoked; restricting the authority of the state engineer to limit the depth of or prohibit the repair of certain wells; requiring the state engineer to file certain notices with the county recorder; requiring the legislative committee on public lands to conduct a study of water wells; and providing other matters properly relating thereto.

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

Section 1. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

If the state engineer issues a temporary permit pursuant to NRS 534.120 or if a well for domestic use is drilled in an area in which he has issued such a temporary permit, he shall file a notice with the county recorder of the county in which the permit is issued or the well is drilled. The notice must include a statement indicating that, if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area:

1. A temporary permit may be revoked;

2. The owner of a domestic well may be prohibited from deepening or repairing the well; and

3. The owner of the property served by the well may be required to connect to this water source at his own expense.

Sec. 2. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the state engineer, as provided for in this chapter where, in his judgment, the ground

1 water basin is being depleted, the state engineer in his administrative
2 capacity is herewith empowered to make such rules, regulations and orders
3 as are deemed essential for the welfare of the area involved.

4 2. In the interest of public welfare, the state engineer is authorized and
5 directed to designate preferred uses of water within the respective areas so
6 designated by him and from which the ground water is being depleted, and
7 in acting on applications to appropriate ground water he may designate
8 such preferred uses in different categories with respect to the particular
9 areas involved within the following limits: Domestic, municipal,
10 quasi-municipal, industrial, irrigation, mining and stock-watering uses and
11 any uses for which a county, city, town, public water district or public
12 water company furnishes the water.

13 3. ~~The~~ *Except as otherwise provided in subsection 5, the* state
14 engineer may:

15 (a) Issue temporary permits to appropriate ground water which can be
16 limited as to time and which may , *except as limited by subsection 4*, be
17 revoked if and when water can be furnished by an entity such as a water
18 district or a municipality presently engaged in furnishing water to the
19 inhabitants thereof.

20 (b) Deny applications to appropriate ground water for any ~~purpose~~ *use*
21 in areas served by such an entity.

22 (c) Limit *the* depth of domestic wells.

23 (d) Prohibit the drilling of wells for domestic use, as defined in NRS
24 *534.013 and 534.0175 , ~~and 534.180,~~* in areas where water can be
25 furnished by an entity such as a water district or a municipality presently
26 engaged in furnishing water to the inhabitants thereof.

27 4. *The state engineer may revoke a temporary permit issued pursuant*
28 *to subsection 3 for residential use, and require a person to whom ground*
29 *water was appropriated pursuant to the permit to obtain water from an*
30 *entity such as a water district or a municipality engaged in furnishing*
31 *water to the inhabitants of the designated area, only if:*

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

36 (b) *The well providing water pursuant to the temporary permit needs*
37 *to be redrilled or have repairs made which require the use of a well-*
38 *drilling rig; and*

39 (c) *The holder of the permit will be offered financial assistance to pay*
40 *not more than 85 percent, as determined by the entity providing the*
41 *financial assistance, of the cost of the local and regional connection fees*

1 *and capital improvements necessary for making the connection to the*
2 *proposed source of water.*

3 *In a basin that has a water authority that has a ground water*
4 *management program, the state engineer shall not revoke the temporary*
5 *permit unless the water authority abandons and plugs the well and pays*
6 *the costs related thereto. If there is not a water authority in the basin that*
7 *has a ground water management program, the person shall abandon and*
8 *plug his well in accordance with the rules of the state engineer.*

9 *5. The state engineer may, in an area in which he has issued*
10 *temporary permits pursuant to subsection 3, limit the depth of a domestic*
11 *well pursuant to paragraph (c) of subsection 3 or prohibit repairs from*
12 *being made to a well, and may require the person proposing to deepen or*
13 *repair the well to obtain water from an entity such as a water district or a*
14 *municipality engaged in furnishing water to the inhabitants of the*
15 *designated area, only if:*

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

19 *(b) The deepening or repair of the well would require the use of a*
20 *well-drilling rig; and*

21 *(c) The person proposing to deepen or repair the well will be offered*
22 *financial assistance to pay not more than 85 percent, as determined by*
23 *the entity providing the financial assistance, of the cost of the local and*
24 *regional connection fees and capital improvements necessary for making*
25 *the connection to the proposed source of water.*

26 *In a basin that has a water authority that has a ground water*
27 *management program, the state engineer shall not prohibit the*
28 *deepening or repair of a well unless the water authority abandons and*
29 *plugs the well and pays the costs related thereto. If there is not a water*
30 *authority in the basin that has a ground water management program, the*
31 *person shall abandon and plug his well in accordance with the rules of*
32 *the state engineer.*

33 *6. For good and sufficient reasons the state engineer may exempt the*
34 *provisions of this section with respect to public housing authorities.*

35 **Sec. 3.** *The legislative committee on public lands shall conduct a study*
36 *of issues related to residential, municipal and quasi-municipal water wells*
37 *in the State of Nevada and report its findings and recommendations to the*
38 *71st session of the Nevada legislature. The legislative commission shall*
39 *appoint two additional senators and two additional assemblymen to the*
40 *legislative committee on public lands for the purposes of this study. The*
41 *chairman of the legislative committee on public lands shall appoint a*
42 *technical advisory committee to assist in conducting the study with*

1 representation from urban and rural areas, well owners, suppliers of
2 municipal water, holders of water rights, and ratepayers.

3 **Sec. 4.** 1. This section and sections 2 and 3 of this act become
4 effective on July 1, 1999.

5 2. Section 1 of this act becomes effective on October 1, 1999.

6 3. Section 2 of this act expires by limitation on July 1, 2005.

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