

ASSEMBLY BILL NO. 80—ASSEMBLYMEN GOICOECHEA,
CHRISTENSEN, ALLEN, CARPENTER, SHERER, GANSERT,
GRADY, MARVEL AND SIBLEY (BY REQUEST)

FEBRUARY 18, 2005

JOINT SPONSOR: SENATOR MCGINNESS

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to wells. (BDR 48-982)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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 wells; authorizing the temporary abandonment of an irrigation well used for agricultural purposes under certain circumstances; requiring continuing education for well drillers; revising the membership of the Well Drillers' Advisory Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, an abandoned well must be plugged by the owner. In lieu of plugging the well, however, the owner may notify the State Engineer and other interested entities that the well may be used to monitor ground water. If the State Engineer believes the well would be useful as a monitoring site, he may grant the owner a waiver from having the well plugged. (NRS 534.060)

This bill authorizes an owner of an irrigation well used for agricultural purposes to temporarily abandon and seal the well with a steel cap. The owner may abandon the well for as long as it remains in good condition and may provide viable economic value to the owner in the future.

Existing law requires a well driller to be licensed to drill wells and authorizes the State Engineer to appoint a Well Drillers' Advisory Board to examine applicants for licenses to drill wells. (NRS 534.140, 534.150)

This bill requires the State Engineer to appoint at least two members of the Nevada Groundwater Association to the Well Drillers' Advisory Board.

This bill further requires the State Engineer to adopt continuing education requirements for well drillers which provide for the completion of at least 6 hours of continuing education annually.



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

1 **Section 1.** NRS 534.060 is hereby amended to read as follows:
2 534.060 1. During the sinking or boring of a well the
3 permittee shall cause to be placed in the well a proper and sufficient
4 casing approved by the State Engineer, so arranged as to prevent the
5 caving in of the well and to prevent the escape of water therefrom
6 through any intervening sand or gravel stratum, which casing must
7 be of sufficient length to reach the deepest aquifer encountered
8 during the sinking or boring of the well.

9 2. The number, size, type and distribution of perforations is
10 optional with the permittee, except that no perforations may be
11 made in a pipe tapping confined (artesian) water above the
12 confining impervious materials.

13 3. The permittee shall provide the necessary valves, plugs or
14 other appliances to prevent or control the flow of water from the
15 well and prevent the loss of underground water above or below the
16 ground surface.

17 4. If in the judgment of the State Engineer a well is in any
18 manner defective he may order the owner to repair the well or, in his
19 discretion, may cause the well to be repaired or sealed. If the State
20 Engineer elects to repair or seal the well, the cost of repairing or
21 sealing the well must be paid from the water distribution account
22 and must not be charged to the owner of the well or be a lien on the
23 land upon which the well is located or on other land of the owner to
24 which water from the well is appurtenant.

25 5. If the State Engineer orders the owner to repair the well and
26 if upon 15 days' written notice by registered or certified mail, return
27 receipt requested, the owner fails to repair the well, the State
28 Engineer or his assistants or authorized agents may, without further
29 notice, take such steps as may be necessary to effect such repairs.
30 The cost thereof, including the labor and material, may in the first
31 instance be paid by the State Engineer from the Water Distribution
32 Revolving Account, but any such cost in any event is a lien on the
33 land on which the well is located and, also, any other land possessed
34 by the well owner to which the water from the well is appurtenant.

35 6. The State Engineer, his assistants or authorized agents, as
36 the case may be, shall file an itemized and sworn statement, setting
37 forth the date when the work was done and the nature of the labor so
38 performed, with the board of county commissioners of the county
39 wherein the charge and expense were incurred. The board of county
40 commissioners shall thereupon present a bill for the expense to the
41 person liable therefor under this section, and if that person neglects
42 for 30 days thereafter to pay it, the bill and costs become a lien upon



1 the lands and property of the person so liable for the payment of the
2 bill, and must be collected as delinquent taxes against the lands and
3 property are collected.

4 7. When a well is abandoned or about to be abandoned, the
5 owner, in lieu of plugging the well, may advise the State Engineer
6 and other interested hydrologic entities that the well is available to
7 monitor the ground water. If, in the opinion of the State Engineer,
8 the well would be useful as a site for monitoring, the State Engineer
9 may grant the owner a waiver of the requirement that the well be
10 plugged. *If the well is an irrigation well used for agricultural*
11 *purposes, the owner may temporarily abandon the well by sealing*
12 *the well with a steel cap. The owner of an irrigation well used for*
13 *agricultural purposes may temporarily abandon the well for as*
14 *long as it remains in good physical condition and may provide*
15 *viable economic value to the owner in the future.*

16 **Sec. 2.** NRS 534.140 is hereby amended to read as follows:

17 534.140 1. Every well driller, before engaging in the physical
18 drilling of a well in this State for development of water, must
19 annually apply to the State Engineer for a license to drill.

20 2. The applications for those licenses and all licenses issued for
21 the drilling of wells must be in the form prescribed by the State
22 Engineer.

23 3. All well-drilling licenses expire on June 30 following their
24 issuance and are not transferable.

25 4. A fee of \$100 must accompany each application for a license
26 and a fee of \$50 must be paid each year for renewal of the license.

27 5. Those license fees must be accounted for in the State
28 Engineer's Water License Account and used to pay costs pertaining
29 to licensing, the adoption and enforcement of regulations for well
30 drilling and the compensation of the members of the Well Drillers'
31 Advisory Board and their expenses.

32 6. *The State Engineer, after consulting with the Well*
33 *Drillers' Advisory Board, shall adopt regulations relating to*
34 *continuing education for well drillers. The regulations must*
35 *require, without limitation, that each well driller complete at least*
36 *6 hours of continuing education annually.*

37 7. The State Engineer shall prepare and keep on file in his
38 office regulations for well drilling.

39 ~~7.1~~ 8. Before engaging in the physical drilling of a well in this
40 State for the development of water, every well driller who is the
41 owner of a well-drilling rig, or who has a well-drilling rig under
42 lease or rental, or who has a contract to purchase a well-drilling rig,
43 must obtain a license as a well driller from the State Contractors'
44 Board.



1 **Sec. 3.** NRS 534.150 is hereby amended to read as follows:

2 534.150 1. For the purpose of examining applicants for well
3 drillers' licenses, the State Engineer may appoint a Well Drillers'
4 Advisory Board referred to in this section as the "Board." The
5 Board may be on a regional or statewide basis ~~H~~ *and must consist*
6 *of at least two members of the Nevada Groundwater Association.*

7 2. In making the initial appointments, the State Engineer shall
8 appoint members to staggered terms of 1, 2 and 3 years. After the
9 initial terms, members shall serve for 3-year terms.

10 3. The State Engineer may fill vacancies on the Board.

11 4. Each member of the Board is entitled to receive \$60 for each
12 day and \$30 for each half day spent doing the work of the Board.
13 Any time spent by members of the Board in work or travel
14 necessary to the discharge of their duties which is less than a full
15 day but more than a half day must be treated for compensation as a
16 full day. Any time less than a half day must be treated as a half day.

17 5. The purpose of the Board is to determine the qualifications
18 of an applicant as a well driller and to submit its findings to the
19 State Engineer.

20 6. Regulations of the Board on examining applicants for well
21 drillers' licenses must be developed by the State Engineer in
22 cooperation with the Board upon its creation.

23 7. If a hearing is held by the State Engineer to determine
24 whether a licensed well driller is complying with the law or the
25 regulations pertaining to well drilling, the State Engineer may avail
26 himself of the services of the Board in an advisory capacity.

27 **Sec. 4.** This act becomes effective on July 1, 2005.

