

Assembly Bill No. 80—Assemblymen Goicoechea, Christensen,
Allen, Carpenter, Sherer, Gansert, Grady, Marvel and
Sibley (by request)

Joint Sponsor: Senator McGinness

CHAPTER.....

AN ACT relating to wells; providing a procedure by which the State Engineer may approve a waiver from the requirement of plugging an abandoned well; requiring the State Engineer to adopt regulations relating to continuing education for well drillers; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, the State Engineer prescribes all necessary regulations relating to ground water and abandoned wells. (NRS 532.120, 534.020, 534.110, 534.120)

This bill requires that the regulations must include a procedure by which the State Engineer may approve a waiver from the requirement of plugging an abandoned well.

This bill further requires the State Engineer to adopt regulations relating to continuing education for well drillers.

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

Section 1. NRS 534.060 is hereby amended to read as follows:

534.060 1. During the sinking or boring of a well the permittee shall cause to be placed in the well a proper and sufficient casing approved by the State Engineer, so arranged as to prevent the caving in of the well and to prevent the escape of water therefrom through any intervening sand or gravel stratum, which casing must be of sufficient length to reach the deepest aquifer encountered during the sinking or boring of the well.

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

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

4. If in the judgment of the State Engineer a well is in any manner defective he may order the owner to repair the well or, in his discretion, may cause the well to be repaired or sealed. If the State Engineer elects to repair or seal the well, the cost of repairing or sealing the well must be paid from the water distribution account and must not be charged to the owner of the well or be a lien on the

land upon which the well is located or on other land of the owner to which water from the well is appurtenant.

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

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

7. When a well is abandoned or about to be abandoned, the owner, in lieu of plugging the well, may advise the State Engineer and other interested hydrologic entities that the well is available to monitor the ground water. If, in the opinion of the State Engineer, the well would be useful as a site for monitoring, the State Engineer may grant the owner a waiver of the requirement that the well be plugged.

8. The State Engineer may grant the owner of a well a waiver of the requirement that the well be plugged under circumstances other than those set forth in subsection 7. The State Engineer shall adopt regulations that provide a procedure by which the State Engineer may approve a waiver from the requirement of plugging an abandoned well pursuant to this subsection.

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

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

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

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

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

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

6. *The State Engineer, after consulting with the Well Drillers' Advisory Board, shall adopt regulations relating to continuing education for well drillers.*

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

~~171~~ 8. Before engaging in the physical drilling of a well in this State for the development of water, every well driller who is the owner of a well-drilling rig, or who has a well-drilling rig under lease or rental, or who has a contract to purchase a well-drilling rig, must obtain a license as a well driller from the State Contractors' Board.

Sec. 3. This act becomes effective on July 1, 2005.

