

SENATE BILL NO. 485—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF DOUGLAS COUNTY)

MARCH 26, 2007

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to certain water rights.
(BDR 48-491)

FISCAL NOTE: Effect on Local Government: No.
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; requiring a county to relinquish certain water rights to the State Engineer under certain circumstances; amending the program established by the State Engineer to allow a public water system to receive credits for the addition of certain customers to the system; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 1 of this bill provides that a county must relinquish a water right to the State Engineer if the water right was dedicated to the county by a person pursuant to an ordinance that required the person to dedicate the water right in order for the person to draw water from a domestic well.

Under existing law, the State Engineer has established a program that authorizes a public water system to receive credits for the addition of new customers to the system if those customers: (1) voluntarily cease drawing water from a domestic well; or (2) own certain property that was established as a separate lot or parcel before July 1, 1993, and enter into an agreement with the public water system not to drill a domestic well on such property. (NRS 534.350) In addition to these existing provisions, **section 2** of this bill amends the program to authorize a public water system to receive credits for the addition of new customers to the system if those customers own certain property that was established as a separate lot or parcel on or after July 1, 1993, and connect to a public water system pursuant to an order of the State Engineer.



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

Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county shall relinquish a water right to the State Engineer if:

(a) The water right was dedicated to the county by a person pursuant to an ordinance that required the person to dedicate the water right to the county in order to draw water from a domestic well; and

(b) The water right is:

(1) In good standing with the Office of the State Engineer; and

(2) Only appurtenant to property which, on or after July 1, 1993, was:

(I) Established as a separate lot or parcel; and

(II) Approved by the local governing body or planning commission for service by an individual domestic well.

2. A water right relinquished pursuant to subsection 1 retains its date of priority received pursuant to subsection 3 of NRS 534.080.

Sec. 2. NRS 534.350 is hereby amended to read as follows:

534.350 1. The State Engineer shall adopt regulations establishing a program that allows a public water system to receive credits, as provided in this section, for the addition of new customers to the system. The program must be limited to public water systems in areas:

(a) Designated as groundwater basins by the State Engineer pursuant to the provisions of NRS 534.030; and

(b) In which the State Engineer has denied one or more applications for any municipal uses of groundwater.

2. Before the State Engineer adopts any regulations pursuant to this section regarding any particular groundwater basin, he shall hold a public hearing:

(a) Within the basin to which the regulations will apply if adequate facilities to hold a hearing are available within that basin; or

(b) In all other cases, within the county where the major portion of that basin lies,

➡ to take testimony from any interested persons regarding the proposed regulations.

3. Upon adoption of the regulations required by this section regarding a particular groundwater basin, a public water system which provides service in that basin is entitled to receive a credit for



each customer who is added to the system after the adoption of those regulations and:

(a) Voluntarily ceases to draw water from a domestic well located within that basin; ~~or~~

(b) Is the owner of a lot or other parcel of land, other than land used or intended solely for use as a location for a water well, which:

(1) Is located within that basin;

(2) Was established as a separate lot or parcel before July 1, 1993;

(3) Was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and

(4) Is subject to a written agreement which was voluntarily entered into by the owner with the public water system pursuant to which the owner agrees not to drill a domestic well on the land and the public water system agrees that it will provide water service to the land. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to chapter 111 of NRS ~~H~~; or

(c) Is the owner of a lot or other parcel of land, other than land used or intended solely for use as a location for a water well:

(1) Which is located within that basin;

(2) Which was established as a separate lot or parcel on or after July 1, 1993;

(3) Which was approved by a local governing body or planning commission for service by an individual domestic well on or after July 1, 1993;

(4) To which a county has relinquished the water rights associated with the land to the State Engineer pursuant to section 1 of this act; and

(5) Which is subject to an order by the State Engineer for the land to be connected to the public water system.

4. The State Engineer may require a new customer, who voluntarily ceases to draw water from a domestic well as provided in paragraph (a) of subsection 3, to plug that well.

5. A credit granted pursuant to this section:

(a) Must be sufficient to enable the public water system to add one service connection for a single-family dwelling to the system, except that the credit may not exceed the increase in water consumption attributable to the additional service connection or 1,800 gallons per day, whichever is less.

(b) May not be converted to an appropriative water right.

6. This section does not:

(a) Require a public water system to extend its service area.



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1 (b) Authorize any increase in the total amount of groundwater
2 pumped in a groundwater basin.

3 (c) Affect any rights of an owner of a domestic well who does
4 not voluntarily bring himself within the provisions of this section.

5 7. As used in this section:

6 (a) "Domestic well" means a well used for culinary and
7 household purposes in a single-family dwelling, including the
8 watering of a garden, lawn and domestic animals and where the
9 draught does not exceed 1,800 gallons per day.

10 (b) "Public water system" has the meaning ascribed to it in
11 NRS 445A.840.

12 **Sec. 3.** This act becomes effective on July 1, 2007.

