

ASSEMBLY BILL NO. 91—ASSEMBLYMAN DELONG

PREFILED JANUARY 30, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing water. (BDR 48-696)

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 water; revising provisions relating to sinking or boring certain wells for water already appropriated; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Existing law requires a person to submit an application for a permit to change  
2 the place of diversion of water already appropriated. (NRS 533.325-533.345)  
3 Existing law provides an exception for a person to sink or bore a replacement well  
4 without submitting such an application for a permit if: (1) both the original site of  
5 the well and the site of the replacement well are located on property owned by the  
6 same person for whom the water has already been appropriated; and (2) the site of  
7 the replacement well is located not more than 300 feet from the original place of  
8 diversion described on the permit to appropriate water. (NRS 534.065) This bill: (1)  
9 expands the exception for a person to sink or bore a replacement well without  
10 submitting an application for a permit if both the original site of the well and the  
11 site of the replacement well are on public lands; and (2) requires the site of the  
12 replacement well to be located anywhere on public lands or on the property of  
13 the person who holds the permit to appropriate water that is not more than 300 feet  
14 from the original place of diversion described on the permit to appropriate water.  
15 This bill further requires a person who is seeking to sink or bore a replacement well  
16 on public lands to notify any relevant federal agency that is charged with  
17 administering such public lands and to comply with all applicable federal laws.

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

1 **Section 1.** NRS 534.065 is hereby amended to read as follows:  
2 534.065 1. If a person is seeking to sink or bore a  
3 replacement well to divert groundwater already appropriated and:



\* A B 9 1 R 1 \*

(a) The original site of the well and the site of the replacement well are on *public lands or on* property owned by the same person for whom the groundwater has already been appropriated; and

(b) The site of the replacement well is located not more than 300 feet from the original place of diversion described on the permit to appropriate water,

↳ the person is not required to file an application to change the place of diversion pursuant to NRS 533.345.

2. If a change to the site of a replacement well meets the requirements of subsection 1, the site of the replacement well must be located anywhere on *public lands or on* the property of the person who holds the permit to appropriate water that is not more than 300 feet from the original place of diversion described on the permit to appropriate water.

3. The person who holds the permit to appropriate water must:

(a) Record the site of the replacement well in the office of the county recorder of each county in which the water is applied to beneficial use and in each county in which the water is diverted from its natural source; and

(b) Inform the State Engineer of the site of the replacement well.

↳ Compliance with the provisions of this subsection shall be deemed to impart notice of the site of the replacement well to all persons.

*4. If a person is seeking to sink or bore a replacement well on public lands, the person must notify any relevant federal agency that is charged with administering such public lands and comply with all applicable federal laws.*

*5. As used in this section, "public lands" has the meaning ascribed to it in NRS 408.078.*

**Sec. 2.** This act becomes effective on July 1, 2023.

