

SENATE BILL NO. 180—SENATOR GOICOECHEA

FEBRUARY 21, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to groundwater boards.  
(BDR 48-597)

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; revising provisions relating to the establishment, membership and duties of a groundwater board; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes a board of county commissioners to recommend to the State Engineer that the State Engineer establish a groundwater board in an area designated as a groundwater basin by the State Engineer. If the State Engineer directs the establishment of a groundwater board, the Governor is required to appoint seven members who serve on the groundwater board. Existing law authorizes the Governor to dissolve the groundwater board if the Governor determines that the future activities of the board are likely to be insubstantial. (NRS 534.035) **Section 1** of this bill: (1) authorizes a board of county commissioners to request that the State Engineer establish a groundwater board and appoint seven members to serve on the groundwater board; (2) authorizes a board of county commissioners to appoint a nonvoting member to the groundwater board; (3) provides that the groundwater board must be dissolved after 4 years unless the State Engineer approves a request from the board of county commissioners to continue the board; and (4) provides that the groundwater board may be dissolved by a majority vote of the groundwater board.

**Section 1** also requires the State Engineer to consider the written advice and recommendations of the groundwater board on reducing overpumping in the designated basin.

Existing law requires: (1) the State to pay certain expenses of a groundwater board such as per diem and travel allowances for board members and expenses for consultants employed by a groundwater board; and (2) the State Engineer to determine and certify the budget of a groundwater board for paying such expenses. (NRS 534.035, 534.040) **Sections 1 and 2** of this bill eliminate these provisions and provide that members serve without compensation.



\* S B 1 8 0 \*

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

**Section 1.** NRS 534.035 is hereby amended to read as follows:

534.035 1. In each area designated as a groundwater basin by the State Engineer pursuant to the provisions of NRS 534.030, the board of county commissioners may ~~frecommend to the State Engineer~~ *request* that the State Engineer establish a groundwater board. ~~[The State Engineer shall determine whether or not a groundwater board is to be established and may direct its establishment by order.]~~

2. If a groundwater board is ~~[established, the governing bodies of all the cities and towns within the designated area, the board of county commissioners of each county in which the area is located, and the governing body of any water district in which the area is included, or partly included, shall each submit a list of names of residents of the area to the Governor, who]~~ *requested to be established pursuant to subsection 1, the State Engineer* shall appoint seven members of the board ~~[. At least one member must be appointed from each list.]~~ *as follows:*

(a) *Four members, each of whom holds a permit or certificate to appropriate water within the designated groundwater basin with a senior date of priority, as determined by the State Engineer;*

(b) *Two members, each of whom holds a permit or certificate to appropriate water within the designated groundwater basin with a junior date of priority, as determined by the State Engineer; and*

(c) *One member who holds a permit or certificate, or permits or certificates, within the designated groundwater basin for the greatest quantity of groundwater in the basin, or if such a person is already appointed or unwilling to serve, the person who holds a permit or certificate, or permits or certificates, in the designated groundwater basin for the next greatest quantity of groundwater in the basin, as determined by the State Engineer.*

3. ~~[After the initial terms, the]~~ *In addition to the members appointed pursuant to subsection 2, the board of county commissioners may appoint a nonvoting member to the groundwater board.*

4. *The* term of office of each member of the *groundwater* board is 4 years. The *groundwater* board shall elect one member as chair and one member as secretary to serve as such at the pleasure of the *groundwater* board.

~~[4.]~~ 5. The *groundwater* board shall ~~[maintain its headquarters at the county seat of]~~ *hold public meetings in* the county in which the designated area is located ~~[, or if the area lies in more than one county, in the county seat of one of the counties in which the area is~~



~~located. The board shall hold meetings]~~ at such times and places as it may determine. Special meetings may be called at any time by the secretary at the request of any four members, or by the chair, upon notice specifying the matters to be acted upon at the meeting. No matters other than those specified in the notice may be acted upon at that meeting unless all members are present and consent thereto.

~~[5.]~~ 6. A majority of the *groundwater* board constitutes a quorum, and the *groundwater* board shall act only by a majority of those present.

~~[6. For each day's attendance at each meeting of the groundwater board, or for each day when services are actually performed for the groundwater board, the members are entitled to receive per diem and travel allowances provided by law. Claims for those expenses must be paid as provided in subsection 7 of NRS 534.040.]~~

7. *Members of the groundwater board serve without compensation.*

8. The State Engineer shall ~~[not approve any application or issue any permit to drill a well, appropriate groundwater, change the place or manner of use or the point of diversion of water within the designated area, adopt any related regulations or enter any related orders until the State Engineer has conferred with the board and obtained its]~~ *consider the* written advice and recommendations ~~[.]~~ *of the groundwater board on reducing overpumping in the designated groundwater basin.*

~~[8. It is the intention of the Legislature that the State Engineer and the board be in agreement whenever possible, but, for the purpose of fixing responsibility to the Governor, if]~~ *If* there is any disagreement between the State Engineer and the *groundwater* board, the views of the State Engineer prevail. ~~[A written report of any such disagreement must be made immediately to the Governor by the State Engineer and the board.]~~ *A decision of the State Engineer to not comply with the views of the groundwater board is not subject to judicial review.*

9. ~~[Any]~~ A groundwater board ~~[may request from the State Engineer or any other state, county, city or district agency such technical information, data and advice as it may require to perform its functions, and]~~ :

*(a) Must be dissolved 4 years after the date such a board is established by* the State Engineer ~~[and such other agencies shall, within the resources available to them, furnish such assistance as may be requested.]~~

~~— 10. The Governor may dissolve the groundwater board by order if the Governor determines that the future activities of the board are likely to be insubstantial.]~~ *pursuant to subsection 2*



*unless the State Engineer approves a request from the board of county commissioners to continue the groundwater board for any additional 4 year term; and*

*(b) May be dissolved by a majority vote of the groundwater board at a meeting of the board.*

**Sec. 2.** NRS 534.040 is hereby amended to read as follows:

534.040 1. Upon the initiation of the administration of this chapter in any particular basin, and where the investigations of the State Engineer have shown the necessity for the supervision over the waters of that basin, the State Engineer may employ a well supervisor and other necessary assistants, who shall execute the duties as provided in this chapter under the direction of the State Engineer. The salaries of the well supervisor and the assistants of the well supervisor must be fixed by the State Engineer. The well supervisor and assistants are exempt from the provisions of chapter 284 of NRS.

2. If the money available from the license fees provided for in NRS 534.140 is not sufficient to pay those salaries, together with necessary expenses, including the compensation and other expenses of the Well Drillers' Advisory Board, the board of county commissioners shall, except as otherwise provided in this subsection, levy a special assessment annually, or at such time as the assessment is needed, upon all taxable property situated within the confines of the area designated by the State Engineer to come under the provisions of this chapter in an amount as is necessary to pay such salaries and expenses. If the board of county commissioners determines that the amount of a special assessment levied upon a property owner pursuant to this section when combined with the amount of all other taxes and assessments levied upon the property owner is less than the cost of collecting the special assessment levied pursuant to this subsection, the board of county commissioners may exempt the property owner from the assessment and appropriate money from the general fund of the county to pay the cost of the assessment.

3. Except as otherwise provided in subsection 2, in designated areas within which the use of groundwater is predominantly for agricultural purposes, any special assessment levied pursuant to this section must be charged against each water user who has a permit to appropriate water or a perfected water right, and the charge against each water user must be based upon the proportion which his or her water right bears to the aggregate water rights in the designated area. The minimum charge is \$1.

4. The salaries and expenses may be paid by the State Engineer from the Water Distribution Revolving Account pending the levy and collection of an assessment levied pursuant to this section.



1       5. Except as otherwise provided in subsection 2, if a special  
2 assessment is levied pursuant to this section, the proper officers of  
3 the county shall levy and collect the special assessment as other  
4 special assessments are levied and collected, and the assessment is a  
5 lien upon the property.

6       6. Any special assessment collected pursuant to this section  
7 must be deposited with the State Treasurer for credit to the Water  
8 District Account to be accounted for in basin well accounts.

9       7. ~~{Upon determination and certification by the State Engineer~~  
10 ~~of the amount to be budgeted for the current or ensuing fiscal year~~  
11 ~~for the purpose of paying the per diem and travel allowances of the~~  
12 ~~groundwater board and employing consultants or other help needed~~  
13 ~~to fulfill its responsibilities, the State Controller shall transfer that~~  
14 ~~amount to a separate operating account for that fiscal year for the~~  
15 ~~groundwater basin. Claims against the account must be approved by~~  
16 ~~the groundwater board and paid as other claims against the State are~~  
17 ~~paid.}~~ The State Engineer may use money in a particular basin well  
18 account to support an activity outside the basin in which the money  
19 is collected if the activity bears a direct relationship to the  
20 responsibilities or activities of the State Engineer regarding the  
21 particular groundwater basin.

22       **Sec. 3.** This act becomes effective on July 1, 2023.

