

SENATE BILL NO. 258—SENATOR OHRENSCHALL

MARCH 13, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to water. (BDR 48-889)

FISCAL NOTE: Effect on Local Government: Increases or Newly  
Provides for Term of Imprisonment in County or City  
Jail or Detention Facility.  
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; authorizing the drilling of a conservation domestic well in certain designated groundwater basins; revising provisions relating to domestic wells to include conservation domestic wells; revising provisions governing an application for a temporary change relating to water already appropriated; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the State Engineer is authorized to make such rules, regulations and orders as are deemed essential for the welfare of a groundwater basin or portion thereof that has been designated by the State Engineer. In such a designated basin, the State Engineer may, under existing law, require the dedication of a right to appropriate water before approving the development, division or subdivision of a parcel of land. (NRS 534.120) **Section 9** of this bill authorizes the State Engineer in any designated basin to authorize the drilling of a conservation domestic well, which is limited to a withdrawal of 0.5 acre-feet per year, instead of a domestic well, which is limited to a withdrawal of 2 acre-feet per year pursuant to existing law. (NRS 534.180) If the State Engineer authorizes the drilling of a conservation domestic well, **section 9** requires the owner of the conservation domestic well to: (1) install a water meter; (2) ensure the withdrawal of the well does not exceed 0.5 acre-feet in a calendar year; and (3) file a report annually with the State Engineer on the total withdrawal from the well during the immediately preceding calendar year. A violation of these requirements by an owner of a conservation domestic well may subject the owner to civil and criminal penalties. (NRS 534.190, 534.193)

**Section 7** of this bill defines the term “conservation domestic well.” **Sections 1, 2 and 6** of this bill provide that the term “domestic well” includes a conservation domestic well. **Sections 3, 5 and 8** of this bill make conforming changes to indicate the proper placement of these definitions in the Nevada Revised Statutes.



\* S B 2 5 8 \*

Under existing law, the State Engineer may grant a permit for a temporary change of the place of diversion, manner of use or place of use of water already appropriated for a period not to exceed 1 year. Before granting such a permit, if the State Engineer determines that a temporary change may not be in the public interest, or may impair the water rights held by other persons, existing law: (1) requires the State Engineer to give notice of the application; (2) authorizes any interested person to file a written protest to the application; and (3) if a protest is filed, provides that the State Engineer may hold a hearing. (NRS 533.345) **Section 4** of this bill authorizes the State Engineer to grant an application for such a temporary change for a period not to exceed 5 years. If an application for a temporary change is filed for a period of more than 1 year, **section 4** requires the State Engineer to give notice of the application.

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

**Section 1.** NRS 532.167 is hereby amended to read as follows:  
532.167 **1.** For each basin located in whole or in part in the State, the State Engineer shall prepare a water budget and calculate and maintain an inventory of water which includes, without limitation:

~~(1)~~ **(a)** The total amount of groundwater appropriated in the basin in accordance with decreed, certified and permitted rights regardless of whether the water appropriations are temporary in nature;

~~(2)~~ **(b)** An estimate of the amount of groundwater used by domestic wells in the basin; and

~~(3)~~ **(c)** An estimate of the amount of all groundwater that is available for appropriation in the basin.

**2.** *As used in this section, "domestic well" includes a conservation domestic well, as defined in section 7 of this act.*

**Sec. 2.** Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

*"Domestic well" includes a conservation domestic well, as defined in section 7 of this act.*

**Sec. 3.** NRS 533.005 is hereby amended to read as follows:

533.005 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 533.007 to 533.023, inclusive, *and section 2 of this act* have the meanings ascribed to them in those sections.

**Sec. 4.** NRS 533.345 is hereby amended to read as follows:

533.345 **1.** Every application for a permit to change the place of diversion, manner of use or place of use of water already appropriated must contain such information as may be necessary to a full understanding of the proposed change, as may be required by the State Engineer.



2. If an applicant is seeking a temporary change of place of diversion, manner of use or place of use of water already appropriated, the State Engineer shall approve the application if:

- (a) The application is accompanied by the prescribed fees;
- (b) The temporary change is in the public interest; and
- (c) The temporary change does not impair the water rights held by other persons.

~~If the State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons, the~~ The State Engineer shall give notice of the application as provided in NRS 533.360 ~~[. Any]~~ if:

*(a) The State Engineer determines that the temporary change may not be in the public interest, or may impair the water rights held by other persons; or*

*(b) The temporary change is for a period of more than 1 year.*

*4. If the State Engineer gives notice of the application in accordance with subsection 3, any* person interested may file a written protest to the application and the State Engineer may hold a hearing before rendering a decision in accordance with the provisions of NRS 533.365.

~~[4.]~~ 5. A temporary change may be granted for any period not to exceed ~~[1 year.]~~ 5 years.

**Sec. 5.** Chapter 534 of NRS is hereby amended by adding thereto the provisions set forth as sections 6 and 7 of this act.

**Sec. 6.** *“Domestic well” includes a conservation domestic well.*

**Sec. 7.** *“Conservation domestic well” means a well that is drilled for the development and use of groundwater for domestic purposes where the draught does not exceed 0.5 acre-feet per year.*

**Sec. 8.** NRS 534.010 is hereby amended to read as follows:

534.010 1. As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 534.0105 to 534.0175, inclusive, *and sections 6 and 7 of this act* have the meanings ascribed to them in those sections.

2. As used in this chapter, the terms “underground water” and “groundwater” are synonymous.

**Sec. 9.** NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within



1 the respective areas so designated by the State Engineer and from  
2 which the groundwater is being depleted, and in acting on  
3 applications to appropriate groundwater, the State Engineer may  
4 designate such preferred uses in different categories with respect to  
5 the particular areas involved within the following limits:

6 (a) Domestic, municipal, quasi-municipal, industrial, irrigation,  
7 mining and stock-watering uses; and

8 (b) Any uses for which a county, city, town, public water district  
9 or public water company furnishes the water.

10 3. Except as otherwise provided in subsection 5, the State  
11 Engineer may:

12 (a) Issue temporary permits to appropriate groundwater which  
13 can be limited as to time and which may, except as limited by  
14 subsection 4, be revoked if and when water can be furnished by an  
15 entity such as a water district or a municipality presently engaged in  
16 furnishing water to the inhabitants thereof.

17 (b) Deny applications to appropriate groundwater for any use in  
18 areas served by such an entity.

19 (c) Limit the depth of domestic wells.

20 (d) Prohibit the drilling of wells for domestic use, as defined in  
21 NRS 534.013, in areas where water can be furnished by an entity  
22 such as a water district or a municipality presently engaged in  
23 furnishing water to the inhabitants thereof.

24 (e) In connection with the approval of a parcel map in which any  
25 parcel is proposed to be served by a domestic well, require the  
26 dedication to a city or county or a designee of a city or county, or  
27 require a relinquishment to the State Engineer, of any right to  
28 appropriate water required by the State Engineer to ensure a  
29 sufficient supply of water for each of those parcels, unless the  
30 dedication of the right to appropriate water is required by a local  
31 ordinance.

32 4. The State Engineer may revoke a temporary permit issued  
33 pursuant to subsection 3 for residential use, and require a person to  
34 whom groundwater was appropriated pursuant to the permit to  
35 obtain water from an entity such as a water district or a municipality  
36 engaged in furnishing water to the inhabitants of the designated  
37 area, only if:

38 (a) The distance from the property line of any parcel served by a  
39 well pursuant to a temporary permit to the pipes and other  
40 appurtenances of the proposed source of water to which the property  
41 will be connected is not more than 180 feet; and

42 (b) The well providing water pursuant to the temporary permit  
43 needs to be redrilled or have repairs made which require the use of a  
44 well-drilling rig.



5. The State Engineer may, in an area in which have been issued temporary permits pursuant to subsection 3, limit the depth of a domestic well pursuant to paragraph (c) of subsection 3 or prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

(a) The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

(b) The deepening or repair of the well would require the use of a well-drilling rig.

6. *Within an area that has been designated as a groundwater basin by the State Engineer pursuant to NRS 534.030, the State Engineer may authorize the drilling of a conservation domestic well. If the State Engineer authorizes the drilling of a conservation domestic well pursuant to this subsection, the owner of the conservation domestic well shall do all of the following:*

*(a) Install a water meter capable of measuring the total withdrawal of water from the conservation domestic well.*

*(b) Ensure that the total withdrawal of water from the conservation domestic well does not exceed 0.5 acre-feet during a calendar year.*

*(c) On or before the date required by the State Engineer, file a report with the State Engineer on a form prescribed by the State Engineer indicating the total quantity of water withdrawn from the conservation domestic well during the immediately preceding calendar year. The State Engineer may establish procedures for the electronic filing of the reports required pursuant to this paragraph.*

7. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

~~7.1~~ 8. The provisions of this section do not prohibit the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

**Sec. 10.** This act becomes effective on July 1, 2023.

