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SENATE BILL NO. 269—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S  
SUBCOMMITTEE TO STUDY WATER)

MARCH 15, 2017

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to groundwater management plans. (BDR 48-367)

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.

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AN ACT relating to water; authorizing the State Engineer to approve the inclusion of certain limitations, restrictions, requirements and other provisions in a groundwater management plan; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, certain groundwater basins may be designated by the State  
2 Engineer as a critical management area. (NRS 534.110) In a basin that has been  
3 designated as a critical management area, existing law authorizes a majority of the  
4 holders of permits or certificates to appropriate water in the basin to submit a  
5 petition for the approval of a groundwater management plan for the critical  
6 management area. (NRS 534.037) This bill authorizes the State Engineer to  
7 approve any reasonable limitation, restriction or requirement set forth in or a  
8 provision of a groundwater management plan and specifies a number of such  
9 limitations, restrictions or provisions which a groundwater management plan may  
10 include.

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

1 **Section 1.** NRS 534.037 is hereby amended to read as follows:  
2 534.037 1. In a basin that has been designated as a critical  
3 management area by the State Engineer pursuant to subsection 7 of  
4 NRS 534.110, a petition for the approval of a groundwater



1 management plan for the basin may be submitted to the State  
2 Engineer. The petition must be signed by a majority of the holders  
3 of permits or certificates to appropriate water in the basin that are on  
4 file in the Office of the State Engineer and must be accompanied by  
5 a groundwater management plan which must set forth the necessary  
6 steps for removal of the basin's designation as a critical  
7 management area.

8 2. *The State Engineer may approve any reasonable*  
9 *limitation, restriction or requirement set forth in, or provision of, a*  
10 *groundwater management plan submitted pursuant to subsection*  
11 *1, including, without limitation:*

12 (a) *Limiting the quantity of water that may be withdrawn*  
13 *under any permit or certificate or for any other use outlined in the*  
14 *groundwater management plan. Any limitation imposed pursuant*  
15 *to this paragraph must provide that the holders of permits or*  
16 *certificates with earlier dates of priority receive a larger quantity*  
17 *of water than the holders of permits or certificates with later dates*  
18 *of priority.*

19 (b) *Exempting a water right from any of the provisions of NRS*  
20 *533.390, 533.395, 533.410 or 534.090 during the period that the*  
21 *groundwater management plan is in effect so that any*  
22 *conservation practices that are implemented do not result in the*  
23 *cancellation or forfeiture of the water right.*

24 (c) *Imposing requirements for the use of groundwater within*  
25 *the critical management area that are not bound to any specific*  
26 *point of diversion, place of use or manner of use.*

27 (d) *Authorizing the banking of groundwater for any unused*  
28 *volume of groundwater granted in any given year for future*  
29 *withdrawal.*

30 (e) *Imposing requirements for devices that measure*  
31 *groundwater and report data.*

32 (f) *Authorizing local governance, administration or*  
33 *enforcement of the groundwater management plan under the*  
34 *ultimate authority of the State Engineer.*

35 (g) *For the purpose of administering the groundwater*  
36 *management plan, retiring groundwater rights or implementing*  
37 *groundwater conservation practices, authorizing:*

38 (1) *The assessment of fees based on the manner of use of*  
39 *groundwater; and*

40 (2) *The solicitation and acceptance of gifts, grants,*  
41 *donations and other support from any source.*

42 (h) *Authorizing the voluntary relinquishment to the*  
43 *groundwater source of a portion of a groundwater right in*  
44 *exchange for an exemption on the unrelinquished portion of the*  
45 *groundwater right from any provision of law that requires the*



1 *filing and approval of extensions to avoid the cancellation or*  
2 *forfeiture of the groundwater right during the period that the*  
3 *groundwater management plan is in effect. Any right that is not*  
4 *voluntarily relinquished is not exempt from regulation by priority.*

5 *(i) Requiring that the groundwater management plan remain*  
6 *in effect after the removal of the designation of the basin as a*  
7 *critical management area until a petition for the termination of*  
8 *the groundwater management plan is submitted to the State*  
9 *Engineer. A petition to terminate the groundwater management*  
10 *plan must be signed by a majority of the holders of permits or*  
11 *certificates to appropriate water in the basin that are on file in the*  
12 *Office of the State Engineer.*

13 3. In determining whether to approve a groundwater  
14 management plan submitted pursuant to subsection 1, the State  
15 Engineer shall consider, without limitation:

16 (a) The hydrology of the basin;

17 (b) The physical characteristics of the basin;

18 (c) The geographic spacing and location of the withdrawals of  
19 groundwater in the basin;

20 (d) The quality of the water in the basin;

21 (e) The wells located in the basin, including, without limitation,  
22 domestic wells;

23 (f) Whether a groundwater management plan already exists for  
24 the basin; and

25 (g) Any other factor deemed relevant by the State Engineer.

26 ~~13-1~~ 4. Before approving or disapproving a groundwater  
27 management plan submitted pursuant to subsection 1, the State  
28 Engineer shall hold a public hearing to take testimony on the plan in  
29 the county where the basin lies or, if the basin lies in more than one  
30 county, within the county where the major portion of the basin lies.  
31 The State Engineer shall cause notice of the hearing to be:

32 (a) Given once each week for 2 consecutive weeks before the  
33 hearing in a newspaper of general circulation in the county or  
34 counties in which the basin lies.

35 (b) Posted on the Internet website of the State Engineer for at  
36 least 2 consecutive weeks immediately preceding the date of the  
37 hearing.

38 ~~14-1~~ 5. The decision of the State Engineer on a groundwater  
39 management plan may be reviewed by the district court of the  
40 county pursuant to NRS 533.450.

41 ~~15-1~~ 6. An amendment to a groundwater management plan  
42 must be proposed and approved in the same manner as an original  
43 groundwater management plan is proposed and approved pursuant  
44 to this section.



1     **Sec. 2.**   This act becomes effective on July 1, 2017.

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