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# WORK SESSION

## Assembly Committee on Government Affairs

PREPARED BY  
RESEARCH DIVISION  
LEGISLATIVE COUNSEL BUREAU  
Nonpartisan Staff of the Nevada State Legislature

### **ASSEMBLY BILL 213**

**Removes prospective expiration of certain provisions regarding domestic wells and temporary permits for appropriation of ground water. (BDR S-654)**

**Sponsored by: Assemblyman Mortenson**  
**Date Heard: March 11, 2003**

Assembly Bill 213 proposes the elimination of the July 1, 2005, sunset dates on the provisions governing the revocation of certain temporary permits for groundwater appropriations.

**Amendments:** Amendments were proposed by the State Engineer, Division of Water Resources, to address a number of concerns with the bill. A compromise proposal has been worked out between the parties (the State Engineer, the Southern Nevada Water Authority, and the Nevada Well Owners Association).

A mock-up of the proposed amendments is attached.

**Opposition:** R. Michael Turnipseed, Director of the State Department of Conservation and Natural Resources, and Hugh Ricci, State Engineer for the Division of Water Resources, spoke in opposition.

**Fiscal Impact:** Local Government: Yes  
(Note: The Southern Nevada Water Authority states that it will continue its financial assistance program beyond 2005 even if not statutorily required to do so; and therefore, the bill will have no fiscal impact.)  
State Government: No

3/26/2003

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ASSEMBLY GOVERNMENT AFFAIRS  
DATE: 3/27/03 ROOM: 3143 EXHIBIT F. 105  
SUBMITTED BY: Susan Applegate

MOCK-UP

PROPOSED AMENDMENT TO  
ASSEMBLY BILL NO. 213

PREPARED FOR ASSEMBLY GOVERNMENT AFFAIRS  
MARCH 15, 2003

PREPARED BY THE RESEARCH DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

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

- 1     **Section 1.** Section 5 of chapter 636, Statutes of Nevada 1999, at page  
2 3545, is hereby amended to read as follows:  
3         Sec. 5. 1. This section and sections 2 and 4 of this act  
4         become effective on July 1, 1999.  
5         2. Sections 1 and 3 of this act become effective on October 1,  
6         1999.  
7         ~~{3. Section 2 of this act expires by limitation on July 1, 2005.}~~  
8     **Sec. 2.** Section 6 of chapter 85, Statutes of Nevada 2001, at page  
9 556, is hereby amended to read as follows:  
10         Sec. 6. ~~{1.}~~ This act becomes effective on July 1, 2001.  
11         ~~{2. Section 5 of this act expires by limitation on July 1, 2005.}~~  
12     ~~Sec. 3.~~ 5 This act becomes effective upon passage and approval.

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**ADDITIONAL SECTIONS FOR ASSEMBLY BILL 213  
PREPARED BY THE RESEARCH DIVISION**

**BASED ON COMPROMISE PROPOSAL OF PARTIES  
TO THE ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**MARCH 26, 2003**

Add the following two new Sections 3 and 4 to the original bill and renumber Section 3 in the bill to section 5:

Note: *Blue italicized language* is new language being added to the *Nevada Revised Statutes* and ~~green-stricken language~~ is being deleted from the *Nevada Revised Statutes*.

**Section 3. 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 his judgment, the ground water basin is being depleted, the state engineer in his administrative capacity is herewith empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved. *The State Engineer shall review whether his administrative powers in designated basins are sufficient for the essential welfare of those basins and report to the 2005 Legislature if additional administrative powers are, including administrative monetary penalties, are necessary to enable the State Engineer to carry out his duties.*

2. In the interest of public welfare, the state engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by him and from which the ground water is being depleted, and in acting on applications to appropriate ground water, he may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

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

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

3. Except as otherwise provided in subsection 5, the state engineer may:

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

(b) Deny applications to appropriate ground water for any use in areas served by such an entity.

(c) Limit the depth of domestic wells.

(d) Prohibit the drilling of wells for domestic use, as defined in NRS 534.013 and 534.0175, in areas where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

4. The state engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom ground water was appropriated pursuant to the permit 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 a well pursuant to a temporary permit 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 well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well-drilling rig; *and*

~~(c) The holder of the permit will be offered financial assistance to pay at least 50 percent but not more than 85 percent, as determined by the entity providing the financial assistance, of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water.~~

~~In a basin that has a water authority that has a ground water management program, the state engineer shall not revoke the temporary permit unless the water authority abandons and plugs the well and pays the costs related thereto. If there is not a water authority in the basin that has a ground water management program, the person shall abandon and plug his well in accordance with the rules of the state engineer.~~

5. The state engineer may, in an area in which he has 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; *and*

~~—(c) The person proposing to deepen or repair the well will be offered financial assistance to pay at least 50 percent but not more than 85 percent, as determined by the entity providing the financial assistance, of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water.~~

~~In a basin that has a water authority that has a ground water management program, the state engineer shall not prohibit the deepening or repair of a well unless the water authority abandons and plugs the well and pays the costs related thereto. If there is not a water authority in the basin that has a ground water~~

~~management program, the person shall abandon and plug his well in accordance with the rules of the state engineer.~~

~~6. For good and sufficient reasons, the state engineer may exempt the provisions of this section with respect to public housing authorities.~~

7. *Nothing in this chapter shall limit the ability of the state engineer to revoke a temporary permit issued pursuant to this section, if any parcel to which the permit is assigned is presently obtaining water from an entity such as a water district or a municipality engaged in furnishing water.*

**Section 4.** Section 14 of Chapter 572, *Statutes of Nevada* 1997, as amended by Chapter 468, *Statutes of Nevada* 1999, at page 2388, is hereby amended to read as follows:

**Sec. 14.** Money collected pursuant to section 13 of this act must be used to:

1. Develop and distribute information promoting education and the conservation of ground water in the basin.
2. Perform such comprehensive inventories of wells of all types located within the basin as may be needed. Such inventories must be done in conjunction with the State Engineer.
3. Prepare, for use by the advisory committee, such cost-benefit analyses relating to the recharge and recovery or underground storage and recovery of water in the basin as may be needed.
4. Develop recommendations for additional activities for the management of the basin and the protection of the aquifer in which the basin is located, and to conduct such activities if the activities have been approved by the board of directors.
5. Develop and implement a program to provide financial assistance to *pay at least 50 percent but not more than 85 percent, as determined by the entity providing the financial assistance, of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water* to owners of real property served by:
  - (a) Domestic wells; or
  - (b) Wells that are operated pursuant to temporary permits [~~in existence before October 1, 1999~~], who are required by the state engineer to connect the real property to a public water system *pursuant to NRS 534.120.*
6. *Pay the costs to plug and abandon wells of persons who are required to obtain water from an entity such as a water district or a municipality engaged in furnishing water pursuant to NRS 534.120.*
- 6.7. Perform such other duties as are necessary for the Southern Nevada Water Authority and the advisory committee to carry out the provisions of this act.