

Assembly Bill No. 213—Assemblymen Mortenson, Christensen, Koivisto, Gibbons, Anderson, Angle, Arberry, Beers, Buckley, Chowning, Claborn, Collins, Conklin, Giunchigliani, Goicoechea, Griffin, Gustavson, Hardy, Hettrick, Knecht, Manendo, McClain, McCleary, Ocegüera, Parks, Pierce, Sherer and Weber

CHAPTER.....

AN ACT relating to water; removing the prospective expiration of certain provisions establishing the circumstances under which certain temporary permits for the appropriation of ground water may be revoked; removing the prospective expiration of certain provisions restricting the authority of the State Engineer to limit the depth or prohibit the repair of certain wells; transferring the authority to provide financial assistance for the connection of certain property previously served by domestic wells to public water systems from certain local governmental entities to the Southern Nevada Water Authority; and providing other matters properly relating thereto.

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

**Section 1.** 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.

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 section prohibits 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. 2.** Section 14 of the Southern Nevada Water Authority Act, being 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 of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water, as determined by the Southern Nevada Water Authority, 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 associated with abandoning and plugging wells on the real property of persons who are required by the State Engineer to connect the real property to a public water system pursuant to NRS 534.120.*

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.

**Sec. 3.** Section 5 of chapter 636, Statutes of Nevada 1999, at page 3545, is hereby amended to read as follows:

Sec. 5. 1. This section and sections 2 and 4 of this act become effective on July 1, 1999.

2. Sections 1 and 3 of this act become effective on October 1, 1999.

~~[3.—Section 2 of this act expires by limitation on July 1, 2005.]~~

**Sec. 4.** Section 6 of chapter 85, Statutes of Nevada 2001, at page 556, is hereby amended to read as follows:

Sec. 6. ~~[.]~~ This act becomes effective on July 1, 2001.

~~[2.—Section 5 of this act expires by limitation on July 1, 2005.]~~

**Sec. 5.** The State Engineer shall review whether his administrative powers in basins designated pursuant to NRS 534.030 are sufficient for the essential welfare of those basins and on or before February 1, 2005, shall provide to the Director of the Legislative Counsel Bureau for transmission to the 73rd Session of the Nevada Legislature a report identifying any additional administrative powers, including, without limitation, the ability to assess a monetary penalty, that he believes are necessary to enable him to carry out his duties with respect to those basins.

**Sec. 6.** This act becomes effective upon passage and approval.