

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, OCEGUERA, PARKS,
PIERCE, SHERER AND WEBER

FEBRUARY 28, 2003

Referred to Committee on Government Affairs

SUMMARY—Makes various changes concerning domestic wells
and temporary permits for appropriation of ground
water. (BDR 47-654)

FISCAL NOTE: Effect on Local Government: Yes.
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; 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:

- 1 **Section 1.** NRS 534.120 is hereby amended to read as follows:
- 2 534.120 1. Within an area that has been designated by the
- 3 State Engineer, as provided for in this chapter, where, in his



* A B 2 1 3 R 1 *

1 judgment, the ground water basin is being depleted, the State
2 Engineer in his administrative capacity is herewith empowered to
3 make such rules, regulations and orders as are deemed essential for
4 the welfare of the area involved.

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

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

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

16 3. Except as otherwise provided in subsection 5, the State
17 Engineer may:

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

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

25 (c) Limit the depth of domestic wells.

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

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

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

40 (b) The well providing water pursuant to the temporary permit
41 needs to be redrilled or have repairs made which require the use of a
42 well-drilling rig. ~~;~~ *and*

43 ~~(c) The holder of the permit will be offered financial assistance~~
44 ~~to pay at least 50 percent but not more than 85 percent, as~~
45 ~~determined by the entity providing the financial assistance, of the~~



~~1 cost of the local and regional connection fees and capital
2 improvements necessary for making the connection to the proposed
3 source of water.
4 In a basin that has a water authority that has a ground water
5 management program, the State Engineer shall not revoke the
6 temporary permit unless the water authority abandons and plugs the
7 well and pays the costs related thereto. If there is not a water
8 authority in the basin that has a ground water management program,
9 the person shall abandon and plug his well in accordance with the
10 rules of the State Engineer.]~~

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

18 (a) The distance from the property line of any parcel served by
19 the well to the pipes and other appurtenances of the proposed source
20 of water to which the property will be connected is not more than
21 180 feet; *and*

22 (b) The deepening or repair of the well would require the use of
23 a well-drilling rig . ~~]; and~~

~~24 (c) The person proposing to deepen or repair the well will be
25 offered financial assistance to pay at least 50 percent but not more
26 than 85 percent, as determined by the entity providing the financial
27 assistance, of the cost of the local and regional connection fees and
28 capital improvements necessary for making the connection to the
29 proposed source of water.~~

~~30 In a basin that has a water authority that has a ground water
31 management program, the State Engineer shall not prohibit the
32 deepening or repair of a well unless the water authority abandons
33 and plugs the well and pays the costs related thereto. If there is not a
34 water authority in the basin that has a ground water management
35 program, the person shall abandon and plug his well in accordance
36 with the rules of the State Engineer.]~~

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

40 *7. Nothing in this section prohibits the State Engineer from
41 revoking a temporary permit issued pursuant to this section if any
42 parcel served by a well pursuant to the temporary permit is
43 currently obtaining water from an entity such as a water district or
44 a municipality engaged in furnishing water to the inhabitants of
45 the area.*



1 **Sec. 2.** Section 14 of the Southern Nevada Water Authority
2 Act, being chapter 572, Statutes of Nevada 1997, as amended by
3 chapter 468, Statutes of Nevada 1999, at page 2388, is hereby
4 amended to read as follows:

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

7 1. Develop and distribute information promoting
8 education and the conservation of ground water in the Basin.

9 2. Perform such comprehensive inventories of wells of
10 all types located within the Basin as may be needed. Such
11 inventories must be done in conjunction with the State
12 Engineer.

13 3. Prepare, for use by the Advisory Committee, such
14 cost-benefit analyses relating to the recharge and recovery or
15 underground storage and recovery of water in the Basin as
16 may be needed.

17 4. Develop recommendations for additional activities for
18 the management of the Basin and the protection of the aquifer
19 in which the Basin is located, and to conduct such activities if
20 the activities have been approved by the Board of Directors.

21 5. Develop and implement a program to provide
22 financial assistance to *pay at least 50 percent but not more*
23 *than 85 percent of the cost of the local and regional*
24 *connection fees and capital improvements necessary for*
25 *making the connection to the proposed source of water, as*
26 *determined by the Southern Nevada Water Authority, to*
27 owners of real property served by:

28 (a) Domestic wells; or

29 (b) Wells that are operated pursuant to temporary
30 permits,

31 ~~in existence before October 1, 1999,~~ who are required by
32 the State Engineer to connect the real property to a public
33 water system ~~[-]~~ *pursuant to NRS 534.120.*

34 6. *Pay the costs associated with abandoning and*
35 *plugging wells on the real property of persons who are*
36 *required by the State Engineer to connect the real property*
37 *to a public water system pursuant to NRS 534.120.*

38 7. Perform such other duties as are necessary for the
39 Southern Nevada Water Authority and the Advisory
40 Committee to carry out the provisions of this act.

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

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



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

3 ~~[3.—Section 2 of this act expires by limitation on July 1,~~
4 ~~2005.]~~

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

7 Sec. 6. ~~[1.]~~ This act becomes effective on July 1,
8 2001.

9 ~~[2.—Section 5 of this act expires by limitation on July 1,~~
10 ~~2005.]~~

11 **Sec. 5.** The State Engineer shall review whether his
12 administrative powers in basins designated pursuant to NRS
13 534.030 are sufficient for the essential welfare of those basins and
14 on or before February 1, 2005, shall provide to the Director of the
15 Legislative Counsel Bureau for transmission to the 73rd Session of
16 the Nevada Legislature a report identifying any additional
17 administrative powers, including, without limitation, the ability to
18 assess a monetary penalty, that he believes are necessary to enable
19 him to carry out his duties with respect to those basins.

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

