
ASSEMBLY BILL NO. 334—ASSEMBLYMEN GIBBONS, ANGLE,
KNECHT, ANDONOV, CHRISTENSEN, CLABORN, COLLINS,
GEDDES, GRADY, GRIFFIN, GUSTAVSON, HARDY,
KOIVISTO, MCCLEARY, MORTENSON AND WEBER

MARCH 14, 2003

JOINT SPONSOR: SENATOR MATHEWS

Referred to Committee on Government Affairs

SUMMARY—Revises provisions regarding issuance of certain permits to appropriate or change point of diversion of water for wells to prevent adverse effects on existing domestic wells. (BDR 48-738)

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.

AN ACT relating to the State Engineer; revising provisions regarding the issuance of a permit to appropriate or change the point of diversion of water for a well; authorizing the State Engineer to require mitigation of unreasonable adverse effects on existing domestic wells under certain circumstances; 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 534.110 is hereby amended to read as follows:
2 534.110 1. The State Engineer shall administer this chapter
3 and shall prescribe all necessary regulations within the terms of this
4 chapter for its administration.
5 2. The State Engineer may:



1 (a) Require periodical statements of water elevations, water
2 used, and acreage on which water was used from all holders of
3 permits and claimants of vested rights.

4 (b) Upon his own initiation, conduct pumping tests to determine
5 if overpumping is indicated, to determine the specific yield of the
6 aquifers and to determine permeability characteristics.

7 3. The State Engineer shall determine whether there is
8 unappropriated water in the area affected and may issue permits
9 only if the determination is affirmative. The State Engineer may
10 require each applicant to whom a permit *to appropriate or change*
11 *the point of diversion of water* is issued for a *new or existing* well:

12 (a) For municipal, quasi-municipal or industrial use; and

13 (b) Whose reasonably expected rate of diversion is ~~one-half~~
14 ~~cubic foot per second~~ *350 acre-feet per annum* or more,
15 to report periodically to the State Engineer concerning the effect of
16 that well on other previously existing wells that are located within
17 2,500 feet of the well.

18 4. It is a condition of each appropriation of ground water
19 acquired under this chapter that the right of the appropriator relates
20 to a specific quantity of water and that the right must allow for a
21 reasonable lowering of the static water level at the appropriator's
22 point of diversion. In determining a reasonable lowering of the static
23 water level in a particular area, the State Engineer shall consider the
24 economics of pumping water for the general type of crops growing
25 and may also consider the effect of using water on the economy of
26 the area in general.

27 5. This section does not prevent the granting of permits to
28 applicants later in time on the ground that the diversions under the
29 proposed later appropriations may cause the water level to be
30 lowered at the point of diversion of a prior appropriator, so long as
31 any protectible interests in existing domestic wells as set forth in
32 NRS 533.024 and the rights of holders of existing appropriations
33 can be satisfied under such express conditions. ~~At the time a permit~~
34 ~~is granted~~ *If the State Engineer grants a permit pursuant to this*
35 *subsection* for a well ~~:~~

36 ~~(a) For~~ *for* municipal, quasi-municipal or industrial use ~~;~~ *and*

37 ~~(b) Whose~~ *which has a* reasonably expected rate of diversion
38 ~~is one-half cubic foot per second~~ *of 350 acre-feet per annum* or
39 more, the State Engineer shall include as a condition of the permit
40 that ~~pumping~~ :

41 (a) *Pumping* water pursuant to the permit may be limited or
42 prohibited to prevent any unreasonable adverse effects on an
43 existing domestic well located within 2,500 feet of the well, unless
44 the holder of the permit and the owner of the domestic well have



1 agreed to alternative measures that mitigate those adverse effects ~~7~~
2 ; and

3 *(b) The holder of the permit may be required to mitigate any*
4 *unreasonable adverse effects on an existing domestic well that are*
5 *related to actions carried out subject to the permit, as determined*
6 *by the State Engineer.*

7 6. *If the State Engineer determines that unreasonable*
8 *adverse effects on an existing domestic well have been caused by*
9 *actions carried out subject to a permit granted pursuant to*
10 *subsection 5, he may require the holder of the permit to mitigate*
11 *or cause to be mitigated the unreasonable adverse effects.*

12 7. The State Engineer shall conduct investigations in any basin
13 or portion thereof where it appears that the average annual
14 replenishment to the ground water supply may not be adequate for
15 the needs of all permittees and all vested-right claimants, and if his
16 findings so indicate the State Engineer may order that withdrawals
17 be restricted to conform to priority rights.

18 ~~7~~ 8. In any basin or portion thereof in the State designated by
19 the State Engineer, the State Engineer may restrict drilling of wells
20 in any portion thereof if he determines that additional wells would
21 cause an undue interference with existing wells. Any order or
22 decision of the State Engineer so restricting drilling of such wells
23 may be reviewed by the district court of the county pursuant to
24 NRS 533.450.

