

Amendment No. 342

Senate Amendment to Senate Bill No. 258	(BDR 48-889)
<b>Proposed by:</b> Senate Committee on Natural Resources	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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





SENATE BILL NO. 258—SENATOR OHRENSCHALL

MARCH 13, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to water. (BDR 48-889)

FISCAL NOTE: Effect on Local Government: Increases or Newly Provides for Term of Imprisonment in County or City Jail or Detention Facility. Effect on the State: Yes.

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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; ~~authorizing the drilling of a conservation domestic well in certain designated groundwater basins; revising provisions relating to domestic wells to include conservation domestic wells;~~ revising provisions governing an application for a temporary change relating to water already appropriated; ~~providing a penalty;~~ and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

~~Under existing law, the State Engineer is authorized to make such rules, regulations and orders as are deemed essential for the welfare of a groundwater basin or portion thereof that has been designated by the State Engineer. In such a designated basin, the State Engineer may, under existing law, require the dedication of a right to appropriate water before approving the development, division or subdivision of a parcel of land. (NRS 534.120) Section 9 of this bill authorizes the State Engineer in any designated basin to authorize the drilling of a conservation domestic well, which is limited to a withdrawal of 0.5 acre feet per year, instead of a domestic well, which is limited to a withdrawal of 2 acre feet per year pursuant to existing law. (NRS 534.180) If the State Engineer authorizes the drilling of a conservation domestic well, section 9 requires the owner of the conservation domestic well to: (1) install a water meter; (2) ensure the withdrawal of the well does not exceed 0.5 acre feet in a calendar year; and (3) file a report annually with the State Engineer on the total withdrawal from the well during the immediately preceding calendar year. A violation of these requirements by an owner of a conservation domestic well may subject the owner to civil and criminal penalties. (NRS 534.190, 534.193)~~

~~—Section 7 of this bill defines the term “conservation domestic well.” Sections 1, 2 and 6 of this bill provide that the term “domestic well” includes a conservation domestic well. Sections 3, 5 and 8 of this bill make conforming changes to indicate the proper placement of these definitions in the Nevada Revised Statutes.~~

Under existing law, the State Engineer may grant a permit for a temporary change of the place of diversion, manner of use or place of use of water already appropriated for a period not to exceed 1 year. Before granting such a permit, if the State Engineer determines that a temporary change may not be in the public interest, or may impair the water rights held by other persons, existing law: (1) requires the State Engineer to give notice of the application; (2) authorizes any interested person to file a written protest to the application; and (3) if a protest is filed, provides that the State Engineer may hold a hearing. (NRS 533.345) **Section 4**

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27 of this bill authorizes the State Engineer to grant an application for such a temporary change  
 28 for a period not to exceed ~~5~~ **3** years. ~~It~~ **if the temporary change is for a renewable energy**  
 29 **generation project.** If an application for a temporary change is filed for a period of more than  
 30 1 year, ~~it~~ **for such a renewable energy project, section 4** requires the State Engineer to give  
 31 notice of the application.

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

1 **Section 1.** ~~NRS 532.167 is hereby amended to read as follows:~~

2 ~~532.167 1. For each basin located in whole or in part in the State, the State~~  
 3 ~~Engineer shall prepare a water budget and calculate and maintain an inventory of~~  
 4 ~~water which includes, without limitation:~~

5 ~~[1.] (a) The total amount of groundwater appropriated in the basin in~~  
 6 ~~accordance with decreed, certified and permitted rights regardless of whether the~~  
 7 ~~water appropriations are temporary in nature;~~

8 ~~[2.] (b) An estimate of the amount of groundwater used by domestic wells in~~  
 9 ~~the basin; and~~

10 ~~[3.] (c) An estimate of the amount of all groundwater that is available for~~  
 11 ~~appropriation in the basin.~~

12 ~~2. As used in this section, "domestic well" includes a conservation domestic~~  
 13 ~~well, as defined in section 7 of this act. (Deleted by amendment.)~~

14 **Sec. 2.** ~~Chapter 533 of NRS is hereby amended by adding thereto a new~~  
 15 ~~section to read as follows:~~

16 ~~"Domestic well" includes a conservation domestic well, as defined in section~~  
 17 ~~7 of this act. (Deleted by amendment.)~~

18 **Sec. 3.** ~~NRS 533.005 is hereby amended to read as follows:~~

19 ~~533.005 As used in this chapter, unless the context otherwise requires, the~~  
 20 ~~words and terms defined in NRS 533.007 to 533.023, inclusive, and section 2 of~~  
 21 ~~this act have the meanings ascribed to them in those sections. (Deleted by~~  
 22 ~~amendment.)~~

23 **Sec. 4.** NRS 533.345 is hereby amended to read as follows:

24 533.345 1. Every application for a permit to change the place of diversion,  
 25 manner of use or place of use of water already appropriated must contain such  
 26 information as may be necessary to a full understanding of the proposed change, as  
 27 may be required by the State Engineer.

28 2. If an applicant is seeking a temporary change of place of diversion, manner  
 29 of use or place of use of water already appropriated, the State Engineer shall  
 30 approve the application if:

31 (a) The application is accompanied by the prescribed fees;

32 (b) The temporary change is in the public interest; and

33 (c) The temporary change does not impair the water rights held by other  
 34 persons.

35 3. ~~If the State Engineer determines that the temporary change may not be in~~  
 36 ~~the public interest, or may impair the water rights held by other persons, the~~ **The**  
 37 **State Engineer shall give notice of the application as provided in NRS 533.360** ~~if:~~  
 38 ~~Any~~ **if:**

39 (a) **The State Engineer determines that the temporary change may not be in**  
 40 **the public interest, or may impair the water rights held by other persons; or**

41 (b) **The temporary change is for a period of more than 1 year** ~~if~~ **pursuant to**  
 42 **subsection 5.**

1           **4. If the State Engineer gives notice of the application in accordance with**  
 2 **subsection 3, any** person interested may file a written protest to the application and  
 3 the State Engineer may hold a hearing before rendering a decision in accordance  
 4 with the provisions of NRS 533.365.

5           ~~[4] 5. [A] Except as otherwise provided in this subsection, a~~ temporary  
 6 change may be granted for any period not to exceed 1 year. ~~[5] The State Engineer~~  
 7 ~~may grant a temporary change for a period of more than 1 year, but not to exceed~~  
 8 ~~3 years [4], if the temporary change is for a renewable energy generation project.~~

9           **6. As used in this section, “renewable energy generation project” has the**  
 10 **meaning ascribed to it in NRS 701.080.**

11           ~~Sec. 5. [Chapter 534 of NRS is hereby amended by adding thereto the~~  
 12 ~~provisions set forth as sections 6 and 7 of this act.] (Deleted by amendment.)~~

13           ~~Sec. 6. [“Domestic well” includes a conservation domestic well.] (Deleted~~  
 14 ~~by amendment.)~~

15           ~~Sec. 7. [“Conservation domestic well” means a well that is drilled for the~~  
 16 ~~development and use of groundwater for domestic purposes where the draught~~  
 17 ~~does not exceed 0.5 acre-feet per year.] (Deleted by amendment.)~~

18           ~~Sec. 8. [NRS 534.010 is hereby amended to read as follows:~~

19 ~~— 534.010 1. As used in this chapter, unless the context otherwise requires,~~  
 20 ~~the words and terms defined in NRS 534.0105 to 534.0175, inclusive, and sections~~  
 21 ~~6 and 7 of this act have the meanings ascribed to them in those sections:~~

22 ~~— 2. As used in this chapter, the terms “underground water” and “groundwater”~~  
 23 ~~are synonymous.] (Deleted by amendment.)~~

24           ~~Sec. 9. [NRS 534.120 is hereby amended to read as follows:~~

25 ~~— 534.120 1. Within an area that has been designated by the State Engineer, as~~  
 26 ~~provided for in this chapter, where, in the judgment of the State Engineer, the~~  
 27 ~~groundwater basin is being depleted, the State Engineer in his or her administrative~~  
 28 ~~capacity may make such rules, regulations and orders as are deemed essential for~~  
 29 ~~the welfare of the area involved.~~

30 ~~— 2. In the interest of public welfare, the State Engineer is authorized and~~  
 31 ~~directed to designate preferred uses of water within the respective areas so~~  
 32 ~~designated by the State Engineer and from which the groundwater is being~~  
 33 ~~depleted, and in acting on applications to appropriate groundwater, the State~~  
 34 ~~Engineer may designate such preferred uses in different categories with respect to~~  
 35 ~~the particular areas involved within the following limits:~~

36 ~~— (a) Domestic, municipal, quasi municipal, industrial, irrigation, mining and~~  
 37 ~~stock watering uses; and~~

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

40 ~~— 3. Except as otherwise provided in subsection 5, the State Engineer may:~~

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

45 ~~— (b) Deny applications to appropriate groundwater for any use in areas served~~  
 46 ~~by such an entity.~~

47 ~~— (c) Limit the depth of domestic wells.~~

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

51 ~~— (e) In connection with the approval of a parcel map in which any parcel is~~  
 52 ~~proposed to be served by a domestic well, require the dedication to a city or county~~  
 53 ~~or a designee of a city or county, or require a relinquishment to the State Engineer,~~

1 of any right to appropriate water required by the State Engineer to ensure a  
2 sufficient supply of water for each of those parcels, unless the dedication of the  
3 right to appropriate water is required by a local ordinance.

4 ~~4. The State Engineer may revoke a temporary permit issued pursuant to~~  
5 ~~subsection 2 for residential use, and require a person to whom groundwater was~~  
6 ~~appropriated pursuant to the permit to obtain water from an entity such as a water~~  
7 ~~district or a municipality engaged in furnishing water to the inhabitants of the~~  
8 ~~designated area, only if:~~

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

12 ~~(b) The well providing water pursuant to the temporary permit needs to be~~  
13 ~~redrilled or have repairs made which require the use of a well drilling rig.~~

14 ~~5. The State Engineer may, in an area in which have been issued temporary~~  
15 ~~permits pursuant to subsection 2, limit the depth of a domestic well pursuant to~~  
16 ~~paragraph (c) of subsection 2 or prohibit repairs from being made to a well, and~~  
17 ~~may require the person proposing to deepen or repair the well to obtain water from~~  
18 ~~an entity such as a water district or a municipality engaged in furnishing water to~~  
19 ~~the inhabitants of the designated area, only if:~~

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

23 ~~(b) The deepening or repair of the well would require the use of a well drilling~~  
24 ~~rig.~~

25 ~~6. Within an area that has been designated as a groundwater basin by the~~  
26 ~~State Engineer pursuant to NRS 534.030, the State Engineer may authorize the~~  
27 ~~drilling of a conservation domestic well. If the State Engineer authorizes the~~  
28 ~~drilling of a conservation domestic well pursuant to this subsection, the owner of~~  
29 ~~the conservation domestic well shall do all of the following:~~

30 ~~(a) Install a water meter capable of measuring the total withdrawal of water~~  
31 ~~from the conservation domestic well.~~

32 ~~(b) Ensure that the total withdrawal of water from the conservation domestic~~  
33 ~~well does not exceed 0.5 acre feet during a calendar year.~~

34 ~~(c) On or before the date required by the State Engineer, file a report with~~  
35 ~~the State Engineer on a form prescribed by the State Engineer indicating the total~~  
36 ~~quantity of water withdrawn from the conservation domestic well during the~~  
37 ~~immediately preceding calendar year. The State Engineer may establish~~  
38 ~~procedures for the electronic filing of the reports required pursuant to this~~  
39 ~~paragraph.~~

40 ~~7. For good and sufficient reasons, the State Engineer may exempt the~~  
41 ~~provisions of this section with respect to public housing authorities.~~

42 ~~[7.] 8. The provisions of this section do not prohibit the State Engineer from~~  
43 ~~revoking a temporary permit issued pursuant to this section if any parcel served by~~  
44 ~~a well pursuant to the temporary permit is currently obtaining water from an entity~~  
45 ~~such as a water district or a municipality engaged in furnishing water to the~~  
46 ~~inhabitants of the area.] (Deleted by amendment.)~~

47 **Sec. 10.** This act becomes effective on July 1, 2023.