

ASSEMBLY BILL NO. 134—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE JOINT INTERIM STANDING  
COMMITTEE ON NATURAL RESOURCES)

PREFILED JANUARY 28, 2025

Referred to Committee on Natural Resources

SUMMARY—Establishes provisions relating to water conservation.  
(BDR 48-379)

FISCAL NOTE: Effect on Local Government: No.  
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 holder of a perfected water right to file a water conservation plan and establishing provisions relating to water conservation plans; revising the policy of this State concerning the conservation of water; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, the State Engineer is charged with managing the  
2 appropriation of water in this State. (Title 48 of NRS) **Section 1** of this bill: (1)  
3 authorizes a holder of a perfected water right to submit a water conservation plan to  
4 the State Engineer for approval; (2) sets forth certain requirements for such a plan;  
5 and (3) authorizes the State Engineer to require a person who submits such a plan to  
6 submit periodic statements of the amount of water that is conserved under the plan.  
7 **Section 1** prohibits: (1) the State Engineer from charging a fee for the submission  
8 of a water conservation plan; and (2) a person holding a perfected water right that is  
9 subject to water conservation plan from changing the place of diversion, manner of  
10 use or place of use of the perfected water right during the term of the water  
11 conservation plan.

12 **Section 2** of this bill declares the policy of this State to promote and encourage  
13 the conservation, development, augmentation and efficient use of the waters of this  
14 State.

15 Existing law establishes procedures for the abandonment and forfeiture of  
16 water rights. (NRS 533.060, 534.090) **Sections 1, 3 and 6** of this bill provide that  
17 such provisions do not apply to a perfected water right that is subject to a water  
18 conservation plan.



19       **Sections 4 and 5** of this bill require the State Engineer to reject an application  
20 for a permit to appropriate water if the proposed use conflicts with existing rights,  
21 including, without limitation, existing rights that are subject to a water conservation  
22 plan. (NRS 533.370, 533.371)

23       Existing law requires that each right of an appropriator to appropriate  
24 groundwater allows for a reasonable lowering of the static water level at the  
25 appropriator's point of diversion. Existing law further provides that the State  
26 Engineer is not prevented from granting permits to appropriate groundwater later in  
27 time on the basis that the diversion under the proposed later appropriations may  
28 cause the water level to be lowered at the point of diversion of a prior appropriator,  
29 so long as any protectable interests in existing domestic wells and the rights of  
30 holders of existing appropriations can be satisfied under such conditions. (NRS  
31 534.110) **Section 7** of this bill includes any existing rights that are subject to a  
32 water conservation plan in the types of rights that must be protected when the State  
33 Engineer grants such a permit.

34       Existing law establishes certain powers and duties of the State Engineer in  
35 certain designated groundwater basins. (NRS 534.120) **Section 8** of this bill  
36 authorizes the State Engineer to approve a water conservation plan in such  
37 designated basins.

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

1       **Section 1.** Chapter 533 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3       ***1. A person who holds a perfected water right, may submit a***  
4 ***water conservation plan to the State Engineer for approval. The***  
5 ***plan must be on a form prescribed by the State Engineer and must***  
6 ***include:***

7       ***(a) The name and mailing address of the person;***

8       ***(b) A description of each perfected water right that will be***  
9 ***subject to the plan, including, without limitation, the certificate***  
10 ***number of the perfected water right;***

11       ***(c) The point of diversion and beneficial use of each perfected***  
12 ***water right that is subject to the plan;***

13       ***(d) A description of the practices of water conservation that***  
14 ***have been or will be used to conserve water;***

15       ***(e) The term for which the plan will be implemented, which***  
16 ***may not exceed 10 years;***

17       ***(f) A statement that the person voluntarily submitted the plan;***

18       ***(g) A statement that the intent of the plan is to temporarily***  
19 ***reduce the use or diversion of water;***

20       ***(h) A statement that the practices of water conservation***  
21 ***described in the plan will contribute to the practical and***  
22 ***economical management, conservation and use of water in this***  
23 ***State; and***



1 (i) A statement that the person who holds the perfected water  
2 right that is subject to the plan does not intend to abandon or  
3 forfeit the perfected water right during the term of the plan.

4 2. The owner of a perfected water right that is subject to a  
5 water conservation plan may submit a subsequent water  
6 conservation plan before the expiration of the current plan for  
7 additional terms which may not exceed 10 years each.

8 3. The State Engineer may not charge a fee for the  
9 submission of a water conservation plan pursuant to this section.

10 4. As a condition of approval, the State Engineer may require  
11 a person who submits a water conservation plan pursuant to this  
12 section to submit periodic statements of the amount of water that  
13 is conserved under the water conservation plan once implemented.

14 5. If approved by the State Engineer, a person holding a  
15 perfected water right that is subject to a water conservation plan  
16 may not change the place of diversion, manner of use or place of  
17 use of the perfected water right during the term of the water  
18 conservation plan.

19 6. A perfected water right that is subject to a water  
20 conservation plan:

21 (a) For which the holder of the perfected water right submits a  
22 claim of a vested right pursuant to NRS 533.087 to 533.320,  
23 inclusive, must be adjudicated in the same manner as all other  
24 claims of vested rights;

25 (b) Constitutes water committed for use for the purposes of  
26 NRS 533.0241; and

27 (c) Is not subject to abandonment or forfeiture pursuant to  
28 NRS 533.060 or 534.090.

29 7. As used in this section, "perfected water right" means a  
30 water right that has been finalized through the issuance of:

31 (a) A certificate of appropriation; or

32 (b) A court decree.

33 **Sec. 2.** NRS 533.024 is hereby amended to read as follows:

34 533.024 The Legislature declares that:

35 1. It is the policy of this State:

36 (a) To encourage and promote the use of effluent, where that use  
37 is not contrary to the public health, safety or welfare, and where that  
38 use does not interfere with federal obligations to deliver water of the  
39 Colorado River.

40 (b) To recognize the importance of domestic wells as  
41 appurtenances to private homes, to create a protectable interest in  
42 such wells and to protect their supply of water from unreasonable  
43 adverse effects which are caused by municipal, quasi-municipal or  
44 industrial uses and which cannot reasonably be mitigated.



1 (c) To encourage the State Engineer to consider the best  
2 available science in rendering decisions concerning the available  
3 surface and underground sources of water in Nevada.

4 (d) To encourage and promote the use of water to prevent or  
5 reduce the spread of wildfire or to rehabilitate areas burned by  
6 wildfire, including, without limitation, through the establishment of  
7 vegetative cover that is resistant to fire.

8 (e) To manage conjunctively the appropriation, use and  
9 administration of all waters of this State, regardless of the source of  
10 the water.

11 *(f) To promote and encourage the conservation, development,*  
12 *augmentation and efficient use of the waters of this State through*  
13 *the use of practices for the voluntary conservation of water,*  
14 *including, without limitation, water conservation plans, crop*  
15 *rotation or conversion, improved irrigation practices and*  
16 *reductions in surface and seepage losses of water at the place of*  
17 *use of water.*

18 2. The procedures in this chapter for changing the place of  
19 diversion, manner of use or place of use of water, and for  
20 confirming a report of conveyance, are not intended to have the  
21 effect of quieting title to or changing ownership of a water right and  
22 that only a court of competent jurisdiction has the power to  
23 determine conflicting claims to ownership of a water right.

24 **Sec. 3.** NRS 533.060 is hereby amended to read as follows:

25 533.060 1. Rights to the use of water must be limited and  
26 restricted to as much as may be necessary, when reasonably and  
27 economically used for irrigation and other beneficial purposes,  
28 irrespective of the carrying capacity of the ditch. The balance of the  
29 water not so appropriated must be allowed to flow in the natural  
30 stream from which the ditch draws its supply of water, and must not  
31 be considered as having been appropriated thereby.

32 2. Rights to the use of surface water shall not be deemed to be  
33 lost or otherwise forfeited for the failure to use the water therefrom  
34 for a beneficial purpose.

35 3. A surface water right that is appurtenant to land formerly  
36 used primarily for agricultural purposes is not subject to a  
37 determination of abandonment if the surface water right:

38 (a) Is appurtenant to land that has been converted to urban use;  
39 or

40 (b) Has been dedicated to or acquired by a water purveyor,  
41 public utility or public body for municipal use.

42 4. *A surface water right that is subject to a water*  
43 *conservation plan submitted pursuant to section 1 of this act is not*  
44 *subject to a determination of abandonment.*



1     **5.** In a determination of whether a right to use surface water  
2 has been abandoned, a presumption that the right to use the surface  
3 water has not been abandoned is created upon the submission of  
4 records, photographs, receipts, contracts, affidavits or any other  
5 proof of the occurrence of any of the following events or actions  
6 within a 10-year period immediately preceding any claim that the  
7 right to use the water has been abandoned:

8       (a) The delivery of water;

9       (b) The payment of any costs of maintenance and other  
10 operational costs incurred in delivering the water;

11       (c) The payment of any costs for capital improvements,  
12 including works of diversion and irrigation; or

13       (d) The actual performance of maintenance related to the  
14 delivery of the water.

15     ~~5.1~~ **6.** A prescriptive right to the use of the water or any of the  
16 public water appropriated or unappropriated may not be acquired by  
17 adverse possession. Any such right to appropriate any of the water  
18 must be initiated by applying to the State Engineer for a permit to  
19 appropriate the water as provided in this chapter.

20     ~~6.1~~ **7.** The State of Nevada reserves for its own present and  
21 future use all rights to the use and diversion of water acquired  
22 pursuant to chapter 462, Statutes of Nevada 1963, or otherwise  
23 existing within the watersheds of Marlette Lake, Franktown Creek  
24 and Hobart Creek and not lawfully appropriated on April 26, 1963,  
25 by any person other than the Marlette Lake Company. Such a right  
26 must not be appropriated by any person without the express consent  
27 of the Legislature.

28     **Sec. 4.** NRS 533.370 is hereby amended to read as follows:

29       533.370 1. Except as otherwise provided in this section and  
30 NRS 533.0241, 533.345, 533.371, 533.372 and 533.503, the State  
31 Engineer shall approve an application submitted in proper form  
32 which contemplates the application of water to beneficial use if:

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

34       (b) The proposed use or change, if within an irrigation district,  
35 does not adversely affect the cost of water for other holders of water  
36 rights in the district or lessen the efficiency of the district in its  
37 delivery or use of water; and

38       (c) The applicant provides proof satisfactory to the State  
39 Engineer of the applicant's:

40           (1) Intention in good faith to construct any work necessary to  
41 apply the water to the intended beneficial use with reasonable  
42 diligence; and

43           (2) Financial ability and reasonable expectation actually to  
44 construct the work and apply the water to the intended beneficial use  
45 with reasonable diligence.



1 2. Except as otherwise provided in subsection 10, where there  
2 is no unappropriated water in the proposed source of supply, where  
3 the groundwater that has not been committed for use has been  
4 reserved pursuant to NRS 533.0241 or where its proposed use or  
5 change conflicts with existing rights, *including, without limitation,*  
6 *existing rights that are subject to a water conservation plan*  
7 *submitted pursuant to section 1 of this act*, or with protectable  
8 interests in existing domestic wells as set forth in NRS 533.024, or  
9 threatens to prove detrimental to the public interest, the State  
10 Engineer shall reject the application and refuse to issue the  
11 requested permit. If a previous application for a similar use of water  
12 within the same basin has been rejected on those grounds, the new  
13 application may be denied without publication.

14 3. In addition to the criteria set forth in subsections 1 and 2, in  
15 determining whether an application for an interbasin transfer of  
16 groundwater must be rejected pursuant to this section, the State  
17 Engineer shall consider:

18 (a) Whether the applicant has justified the need to import the  
19 water from another basin;

20 (b) If the State Engineer determines that a plan for conservation  
21 of water is advisable for the basin into which the water is to be  
22 imported, whether the applicant has demonstrated that such a plan  
23 has been adopted and is being effectively carried out;

24 (c) Whether the proposed action is environmentally sound as it  
25 relates to the basin from which the water is exported;

26 (d) Whether the proposed action is an appropriate long-term use  
27 which will not unduly limit the future growth and development in  
28 the basin from which the water is exported; and

29 (e) Any other factor the State Engineer determines to be  
30 relevant.

31 4. Except as otherwise provided in this subsection and  
32 subsections 6 and 10 and NRS 533.365, the State Engineer shall  
33 approve or reject each application within 2 years after the final date  
34 for filing a protest. The State Engineer may postpone action:

35 (a) Upon written authorization to do so by the applicant.

36 (b) If an application is protested.

37 (c) If the purpose for which the application was made is  
38 municipal use.

39 (d) In areas where studies of water supplies have been  
40 determined to be necessary by the State Engineer pursuant to  
41 NRS 533.368.

42 (e) Where court actions or adjudications are pending, which may  
43 affect the outcome of the application.

44 (f) In areas in which adjudication of vested water rights is  
45 deemed necessary by the State Engineer.



1 (g) On an application for a permit to change a vested water right  
2 in a basin where vested water rights have not been adjudicated.

3 (h) Where authorized entry to any land needed to use the water  
4 for which the application is submitted is required from a  
5 governmental agency.

6 (i) On an application for which the State Engineer has required  
7 additional information pursuant to NRS 533.375.

8 5. If the State Engineer does not act upon an application in  
9 accordance with subsections 4 and 6, the application remains active  
10 until approved or rejected by the State Engineer.

11 6. Except as otherwise provided in this subsection and  
12 subsection 10, the State Engineer shall approve or reject, within 6  
13 months after the final date for filing a protest, an application filed to  
14 change the point of diversion of water already appropriated when  
15 the existing and proposed points of diversion are on the same  
16 property for which the water has already been appropriated under  
17 the existing water right or the proposed point of diversion is on real  
18 property that is proven to be owned by the applicant and is  
19 contiguous to the place of use of the existing water right. The State  
20 Engineer may postpone action on the application pursuant to  
21 subsection 4.

22 7. If the State Engineer has not approved, rejected or held a  
23 hearing on an application within 7 years after the final date for filing  
24 a protest, the State Engineer shall cause notice of the application to  
25 be republished and reposted pursuant to NRS 533.360 immediately  
26 preceding the time at which the State Engineer is ready to approve  
27 or reject the application. The cost of the republication must be paid  
28 by the applicant. After such republication and reposting, a protest  
29 may be filed in accordance with NRS 533.365.

30 8. If a hearing is held regarding an application, the decision of  
31 the State Engineer must be in writing and include findings of fact,  
32 conclusions of law and a statement of the underlying facts  
33 supporting the findings of fact. The written decision may take the  
34 form of a transcription of an oral ruling. The rejection or approval of  
35 an application must be endorsed on a copy of the original  
36 application, and a record must be made of the endorsement in the  
37 records of the State Engineer. The copy of the application so  
38 endorsed must be returned to the applicant. Except as otherwise  
39 provided in subsection 11, if the application is approved, the  
40 applicant may, on receipt thereof, proceed with the construction of  
41 the necessary works and take all steps required to apply the water to  
42 beneficial use and to perfect the proposed appropriation. If the  
43 application is rejected, the applicant may take no steps toward  
44 the prosecution of the proposed work or the diversion and use of the  
45 public water while the rejection continues in force.



1 9. If a person is the successor in interest of an owner of a water  
2 right or an owner of real property upon which a domestic well is  
3 located and if the former owner of the water right or real property on  
4 which a domestic well is located had previously filed a written  
5 protest against the granting of an application, the successor in  
6 interest must be allowed to pursue that protest in the same manner  
7 as if the successor in interest were the former owner whose interest  
8 he or she succeeded. If the successor in interest wishes to pursue the  
9 protest, the successor in interest must notify the State Engineer in a  
10 timely manner on a form provided by the State Engineer.

11 10. The provisions of subsections 1 to 9, inclusive, do not  
12 apply to an application for an environmental permit or a temporary  
13 permit issued pursuant to NRS 533.436 or 533.504.

14 11. The provisions of subsection 8 do not authorize the  
15 recipient of an approved application to use any state land  
16 administered by the Division of State Lands of the State Department  
17 of Conservation and Natural Resources without the appropriate  
18 authorization for that use from the State Land Registrar.

19 12. As used in this section, "domestic well" has the meaning  
20 ascribed to it in NRS 534.350.

21 **Sec. 5.** NRS 533.371 is hereby amended to read as follows:

22 533.371 The State Engineer shall reject the application and  
23 refuse to issue a permit to appropriate water for a specified period if  
24 the State Engineer determines that:

- 25 1. The application is incomplete;
- 26 2. The prescribed fees have not been paid;
- 27 3. The proposed use is not temporary;
- 28 4. There is no water available from the proposed source of  
29 supply without exceeding the perennial yield or safe yield of that  
30 source;

31 5. The groundwater that has not been committed for use from  
32 the proposed source of supply has been reserved pursuant to  
33 NRS 533.0241;

34 6. The proposed use conflicts with existing rights ~~§~~ ,  
35 *including, without limitation, existing rights that are subject to a*  
36 *water conservation plan submitted pursuant to section 1 of this*  
37 *act*; or

38 7. The proposed use threatens to prove detrimental to the  
39 public interest.

40 **Sec. 6.** NRS 534.090 is hereby amended to read as follows:

41 534.090 1. Except as otherwise provided in this section ~~§~~  
42 *and section 1 of this act*, failure for 5 successive years after  
43 April 15, 1967, on the part of the holder of any right, whether it is  
44 an adjudicated right, an unadjudicated right or a right for which a  
45 certificate has been issued pursuant to NRS 533.425, and further





1 whether the right is initiated after or before March 25, 1939, to use  
2 beneficially all or any part of the underground water for the purpose  
3 for which the right is acquired or claimed, works a forfeiture of both  
4 undetermined rights and determined rights to the use of that water to  
5 the extent of the nonuse.

6 2. If the records of the State Engineer or any other documents  
7 obtained by or provided to the State Engineer indicate 4 or more  
8 consecutive years of nonuse of all or any part of a water right which  
9 is governed by this chapter:

10 (a) The State Engineer shall notify the owner of the water right,  
11 as determined in the records of the Office of the State Engineer, by  
12 registered or certified mail of the nonuse and that the owner has 1  
13 year after the date of the notice of nonuse in which to use the water  
14 right beneficially and to provide proof of such use to the State  
15 Engineer or apply for relief pursuant to subsection 3 to avoid  
16 forfeiting the water right.

17 (b) If, after 1 year after the date of the notice of nonuse pursuant  
18 to paragraph (a), proof of resumption of beneficial use is not filed in  
19 the Office of the State Engineer, the State Engineer shall, unless the  
20 State Engineer has granted a request to extend the time necessary to  
21 work a forfeiture of the water right, send a final notice to the owner  
22 of the water right, as determined in the records of the Office of the  
23 State Engineer, by registered or certified mail, that the water right is  
24 held for forfeiture. If the owner of the water right, within 30 days  
25 after the date of such final notice, fails to file the required proof of  
26 resumption of beneficial use or an application for an extension of  
27 time to prevent forfeiture, the State Engineer shall declare the right,  
28 or the portion of the right not returned to beneficial use, forfeited.  
29 The State Engineer shall send notice of the declaration of forfeiture,  
30 by registered or certified mail, to the owner of record, as determined  
31 in the records of the Office of the State Engineer, of the water right  
32 that has been declared forfeited.

33 (c) If, after receipt of a notice of the declaration of forfeiture  
34 pursuant to paragraph (b), the owner of record of the water right  
35 fails to appeal the ruling in the manner provided for in NRS  
36 533.450, and within the time provided for therein, the forfeiture  
37 becomes final. Upon the forfeiture of the water right, the water  
38 reverts to the public and is available for further appropriation,  
39 subject to existing rights.

40 3. The State Engineer may, upon the request of the holder of  
41 any right described in subsection 1, extend the time necessary to  
42 work a forfeiture under subsection 2 if the request is made before  
43 the expiration of the time necessary to work a forfeiture. Except as  
44 otherwise provided in subsection 4, the State Engineer may grant,  
45 upon request and for good cause shown, any number of extensions,



1 but a single extension must not exceed 1 year. In determining  
2 whether to grant or deny a request, the State Engineer shall, among  
3 other reasons, consider:

4 (a) Whether the holder has submitted proof and evidence that  
5 the holder is proceeding in good faith and with reasonable diligence  
6 to resume use of the water beneficially for the purpose for which the  
7 holder's right is acquired or claimed;

8 (b) The number of years during which the water has not been  
9 put to the beneficial use for which the right is acquired or claimed;

10 (c) Any economic conditions or natural disasters which made  
11 the holder unable to put the water to that use;

12 (d) Whether the water right is located in a basin within a county  
13 under a declaration of drought by the Governor, United States  
14 Secretary of Agriculture or the President of the United States;

15 (e) Whether the holder has demonstrated efforts to conserve  
16 water which have resulted in a reduction in water consumption;

17 (f) Whether the water right is located in a basin that has been  
18 designated as a critical management area by the State Engineer  
19 pursuant to subsection 7 of NRS 534.110;

20 (g) The date of priority of the water right as it relates to the  
21 potential curtailment of water use in the basin;

22 (h) The availability of water in the basin, including, without  
23 limitation, whether withdrawals of water consistently exceed the  
24 perennial yield of the basin; and

25 (i) Any orders restricting use or appropriation of water in the  
26 basin.

27 ➤ The State Engineer shall notify, by registered or certified mail,  
28 the owner of the water right, as determined in the records of the  
29 Office of the State Engineer, of whether the State Engineer has  
30 granted or denied the holder's request for an extension pursuant to  
31 this subsection. If the State Engineer grants an extension pursuant to  
32 this subsection and, before the expiration of that extension, proof of  
33 resumption of beneficial use or another request for an extension is  
34 not filed in the Office of the State Engineer, the State Engineer shall  
35 send a final notice to the owner of the water right, by registered or  
36 certified mail, that the water right will be declared forfeited if the  
37 owner of the water right fails to file the required proof of  
38 resumption of beneficial use or an application for an extension of  
39 time to prevent forfeiture within 30 days after the date of the final  
40 notice. If the owner of the water right fails to file the required proof  
41 of resumption of beneficial use or an application for an extension of  
42 time to prevent forfeiture within 30 days after the date of such final  
43 notice, the State Engineer shall declare the water right, or the  
44 portion of the right not returned to beneficial use, forfeited.



1 4. If the State Engineer grants an extension pursuant to  
2 subsection 1 in a basin:

3 (a) Where withdrawals of groundwater consistently exceed the  
4 perennial yield of the basin; or

5 (b) That has been designated as a critical management area by  
6 the State Engineer pursuant to subsection 7 of NRS 534.110,  
7 ↪ a single extension must not exceed 3 years, but any number of  
8 extensions may be granted to the holder of such a right.

9 5. The failure to receive a notice pursuant to subsection 2 or 3  
10 does not nullify the forfeiture or extend the time necessary to work  
11 the forfeiture of a water right.

12 6. A right to use underground water whether it is vested or  
13 otherwise may be lost by abandonment. If the State Engineer, in  
14 investigating a groundwater source, upon which there has been a  
15 prior right, for the purpose of acting upon an application to  
16 appropriate water from the same source, is of the belief from his or  
17 her examination that an abandonment has taken place, the State  
18 Engineer shall so state in the ruling approving the application. If,  
19 upon notice by registered or certified mail to the owner of record  
20 who had the prior right, the owner of record of the prior right fails to  
21 appeal the ruling in the manner provided for in NRS 533.450, and  
22 within the time provided for therein, the alleged abandonment  
23 declaration as set forth by the State Engineer becomes final.

24 **Sec. 7.** NRS 534.110 is hereby amended to read as follows:

25 534.110 1. The State Engineer shall administer this chapter  
26 and shall prescribe all necessary regulations within the terms of this  
27 chapter for its administration.

28 2. The State Engineer may:

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

32 (b) Upon his or her own initiation, conduct pumping tests to  
33 determine if overpumping is indicated, to determine the specific  
34 yield of the aquifers and to determine permeability characteristics.

35 3. The State Engineer shall determine whether there is  
36 unappropriated water in the area affected and may issue permits  
37 only if the determination is affirmative. The State Engineer may  
38 require each applicant to whom a permit is issued for a well:

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

40 (b) Whose reasonably expected rate of diversion is one-half  
41 cubic foot per second or more,

42 ↪ to report periodically to the State Engineer concerning the effect  
43 of that well on other previously existing wells that are located within  
44 2,500 feet of the well.



1 4. It is a condition of each appropriation of groundwater  
2 acquired under this chapter that the right of the appropriator relates  
3 to a specific quantity of water and that the right must allow for a  
4 reasonable lowering of the static water level at the appropriator's  
5 point of diversion. In determining a reasonable lowering of the static  
6 water level in a particular area, the State Engineer shall consider the  
7 economics of pumping water for the general type of crops growing  
8 and may also consider the effect of using water on the economy of  
9 the area in general.

10 5. This section does not prevent the granting of permits to  
11 applicants later in time on the ground that the diversions under the  
12 proposed later appropriations may cause the water level to be  
13 lowered at the point of diversion of a prior appropriator, so long as  
14 any protectable interests in existing domestic wells as set forth in  
15 NRS 533.024 and the rights of holders of existing appropriations ,  
16 *including, without limitation, any existing rights that are subject*  
17 *to a water conservation plan submitted pursuant to section 1 of*  
18 *this act*, can be satisfied under such express conditions. At the time  
19 a permit is granted for a well:

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

21 (b) Whose reasonably expected rate of diversion is one-half  
22 cubic foot per second or more,

23 ↪ the State Engineer shall include as a condition of the permit that  
24 pumping water pursuant to the permit may be limited or prohibited  
25 to prevent any unreasonable adverse effects on an existing domestic  
26 well located within 2,500 feet of the well, unless the holder of the  
27 permit and the owner of the domestic well have agreed to alternative  
28 measures that mitigate those adverse effects.

29 6. Except as otherwise provided in subsection 7, the State  
30 Engineer shall conduct investigations in any basin or portion thereof  
31 where it appears that the average annual replenishment to the  
32 groundwater supply may not be adequate for the needs of all  
33 permittees and all vested-right claimants, and if the findings of the  
34 State Engineer so indicate, except as otherwise provided in  
35 subsection 9, the State Engineer may order that withdrawals,  
36 including, without limitation, withdrawals from domestic wells, be  
37 restricted to conform to priority rights until the water level of the  
38 basin is stabilized.

39 7. The State Engineer:

40 (a) May designate as a critical management area any basin in  
41 which withdrawals of groundwater consistently exceed the perennial  
42 yield of the basin.

43 (b) Shall designate as a critical management area any basin in  
44 which withdrawals of groundwater consistently exceed the perennial  
45 yield of the basin upon receipt of a petition for such a designation



1 which is signed by the holders of certificates or permits to  
2 appropriate water in the basin that are on file in the Office of the  
3 State Engineer who represent a majority of groundwater permitted  
4 or certificated for use in the basin.

5 ↪ The designation of a basin as a critical management area pursuant  
6 to this subsection may be appealed pursuant to NRS 533.450. If a  
7 basin has been designated as a critical management area for 10  
8 consecutive years, except as otherwise provided in subsection 9, the  
9 State Engineer shall order that withdrawals, including, without  
10 limitation, withdrawals from domestic wells, be restricted in that  
11 basin to conform to priority rights until the water level of the basin  
12 is stabilized, unless a groundwater management plan has been  
13 approved for the basin pursuant to NRS 534.037.

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

21 9. If a court of competent jurisdiction orders the State Engineer  
22 to restrict withdrawals to conform to priority rights or if pursuant to  
23 subsection 6 or 7 or subsection 8 of NRS 534.037 the State Engineer  
24 orders that withdrawals be restricted to conform to priority rights,  
25 the State Engineer must limit the restriction of withdrawals from a  
26 domestic well to allow a domestic well to continue to withdraw 0.5  
27 acre-feet of water per year, which must be recorded by a water  
28 meter.

29 **Sec. 8.** NRS 534.120 is hereby amended to read as follows:

30 534.120 1. Within an area that has been designated by the  
31 State Engineer, as provided for in this chapter, where, in the  
32 judgment of the State Engineer, the groundwater basin is being  
33 depleted, the State Engineer in his or her administrative capacity  
34 may make such rules, regulations and orders as are deemed essential  
35 for the welfare of the area involved.

36 2. In the interest of public welfare, the State Engineer is  
37 authorized and directed to designate preferred uses of water within  
38 the respective areas so designated by the State Engineer and from  
39 which the groundwater is being depleted, and in acting on  
40 applications to appropriate groundwater, the State Engineer may  
41 designate such preferred uses in different categories with respect to  
42 the particular areas involved within the following limits:

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



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

3 3. The State Engineer may only issue temporary permits to  
4 appropriate groundwater if water cannot be furnished by a public  
5 entity such as a water district or municipality presently engaged in  
6 furnishing water to the inhabitants thereof. Such temporary permits  
7 can be limited as to time and may be revoked if and when:

8 (a) Water can be furnished by a public entity such as a water  
9 district or a municipality presently engaged in furnishing water to  
10 the inhabitants thereof; and

11 (b) The property served is within 1,250 feet of the water  
12 furnished pursuant to paragraph (a).

13 ↪ The holder of a temporary permit that is revoked pursuant to this  
14 subsection must be given 730 days from the date of revocation to  
15 connect to the public entity furnishing water.

16 4. In a basin designated pursuant to NRS 534.030, the State  
17 Engineer may:

18 (a) Deny applications to appropriate groundwater for any use in  
19 areas served by a public entity such as a water district or a  
20 municipality presently engaged in furnishing water to the  
21 inhabitants of the area.

22 (b) Limit the depth of domestic wells.

23 (c) Prohibit the drilling of wells for domestic use in areas where  
24 water can be furnished by a public entity such as a water district or a  
25 municipality presently engaged in furnishing water to the  
26 inhabitants thereof.

27 (d) In connection with the approval of a parcel map in which  
28 any parcel is proposed to be served by a domestic well, require the  
29 dedication to a city or county or a designee of a city or county, or  
30 require a relinquishment to the State Engineer, of any right to  
31 appropriate water required by the State Engineer to ensure a  
32 sufficient supply of water for each of those parcels, unless the  
33 dedication of the right to appropriate water is required by a local  
34 ordinance.

35 *(e) Approve a water conservation plan submitted pursuant to*  
36 *section 1 of this act.*

37 5. In an area in which have been issued temporary permits  
38 pursuant to subsection 3, the State Engineer:

39 (a) Shall:

40 (1) Deny any applications to appropriate groundwater for use  
41 in areas served by a public entity such as a water district or a  
42 municipality presently engaged in furnishing water;

43 (2) Limit the depth of a domestic well; or

44 (3) Prohibit the drilling of wells for domestic use in areas  
45 where water can be furnished by a public entity such as a water



1 district or a municipality presently engaged in furnishing water to  
2 the inhabitants; and

3 (b) May prohibit repairs from being made to a domestic well,  
4 and may require the person proposing to deepen or repair the  
5 domestic well to obtain water from a public entity such as a water  
6 district or a municipality engaged in furnishing water to the  
7 inhabitants of the designated area, only if:

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

12 (2) The deepening or repair of the well would require the use  
13 of a well-drilling rig.

14 6. For good and sufficient reasons, the State Engineer may  
15 exempt the provisions of this section with respect to public housing  
16 authorities.

17 7. The provisions of this section do not prohibit the State  
18 Engineer from revoking a temporary permit issued pursuant to this  
19 section if any parcel served by a well pursuant to the temporary  
20 permit is currently obtaining water from a public entity such as a  
21 water district or a municipality engaged in furnishing water to the  
22 inhabitants of the area.



