

SENATE BILL NO. 113—SENATORS GOICOECHEA, TITUS, BUCK,  
HANSEN, STONE; AND KRASNER (BY REQUEST)

FEBRUARY 8, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to groundwater management plans. (BDR 48-595)

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 water; requiring the State Engineer to affirm or modify the perennial yield of a basin in a designated critical management area; revising provisions relating to groundwater management plans; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

1 Under existing law, the State Engineer: (1) may designate certain basins as  
2 critical management areas; and (2) is required to designate a basin as a critical  
3 management area upon receipt of a petition signed by a majority of the holders of  
4 certificates or permits to appropriate water in the basin. (NRS 534.110) Existing  
5 law further provides that in a basin that has been designated as a critical  
6 management area, a petition for the approval of a groundwater management plan  
7 may be submitted to the State Engineer by a majority of the holders of permits or  
8 certificates to appropriate water in the basin. (NRS 534.037) **Section 1** of this bill:  
9 (1) requires the State Engineer to affirm or modify the perennial yield of a basin at  
10 the same time he or she designates a basin as a critical management area; and (2)  
11 authorizes the State Engineer to modify the perennial yield for a critical  
12 management area based on the best available science. **Section 1** also requires the  
13 State Engineer to review the perennial yield before reviewing the results of a  
14 groundwater management plan and modify the perennial yield if there has been a  
15 change.

16 **Section 1.5** of this bill provides that a petition for the approval of a  
17 groundwater management plan must instead be signed by the holders of permits or  
18 certificates to appropriate water in the basin that are on file in the Office of the  
19 State Engineer who represent a majority of the total groundwater permitted or  
20 certificated for use in the basin. **Section 1.5** also provides that the holder of a  
21 permit or certificate with a date of priority before the date on which permits or  
22 certificates for withdrawals of groundwater in the basin were equal to the perennial



23 yield of the basin who does not sign the petition may not be required to comply  
24 with an approved groundwater management plan.

25 **Section 1.5** further provides that, if the State Engineer modifies the perennial  
26 yield of the basin, the holders of permits or certificates with dates of priority before  
27 or after the date on which withdrawals of groundwater in the basin were equal to  
28 the previous perennial yield of the basin must be required to comply or allowed to  
29 opt out of complying with an approved groundwater management plan, depending  
30 on whether the perennial yield is increased or decreased.

31 Under existing law, the State Engineer is required to restrict withdrawals of  
32 groundwater to conform to priority rights under certain circumstances, including if  
33 a basin has been designated as a critical management area for at least 10  
34 consecutive years. (NRS 534.110) **Section 1.5** requires the State Engineer to review  
35 an approved groundwater management plan that has been in effect for 10  
36 consecutive years to determine whether there has been significant progress towards  
37 stabilizing the water level of the basin and, if not, with certain exceptions, to restrict  
38 withdrawals of groundwater to conform to priority rights until the water level is  
39 stabilized. **Section 2** of this bill makes a conforming change to create an exception  
40 for the restriction of withdrawals to allow a domestic well to continue to withdraw  
41 0.5 acre-feet of water per year if the owner of the domestic well installs or has  
42 installed a water meter to record the withdrawal.

43 **Section 3** of this bill requires that, beginning on October 1, 2033, 10 years after  
44 the effective date of this bill, the State Engineer must review any groundwater  
45 management plan that was approved before October 1, 2023, to determine whether  
46 there has been significant progress towards stabilizing the water level of the basin  
47 and, if not, to restrict withdrawals in accordance with the requirements of this bill  
48 until the water level is stabilized.

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

1 **Section 1.** Chapter 534 of NRS is hereby amended by adding  
2 thereto a new section to read as follows:

3 *1. If the State Engineer designates a basin as a critical*  
4 *management area pursuant to subsection 7 of NRS 534.110, the*  
5 *State Engineer shall, in the order designating the critical*  
6 *management area, affirm or modify the perennial yield of the*  
7 *designated basin.*

8 *2. The State Engineer may, by order, modify the perennial*  
9 *yield of a basin set forth in the order designating the critical*  
10 *management area pursuant to subsection 1 if the State Engineer*  
11 *determines, after consideration of the best available science, that*  
12 *the perennial yield of the basin is different from the perennial*  
13 *yield set forth in such order.*

14 *3. The State Engineer shall, before reviewing the results of a*  
15 *groundwater management plan pursuant to subsection 8 of NRS*  
16 *534.037, review the perennial yield of the basin set forth in the*  
17 *order pursuant to subsection 1 and may modify the perennial yield*  
18 *of the basin pursuant to subsection 2 if the State Engineer*  
19 *determines the perennial yield has changed.*



1       **Sec. 1.5.** NRS 534.037 is hereby amended to read as follows:  
2       534.037 1. In a basin that has been designated as a critical  
3 management area by the State Engineer pursuant to subsection 7 of  
4 NRS 534.110, a petition for the approval of a groundwater  
5 management plan for the basin may be submitted to the State  
6 Engineer. The petition must ~~be~~:

7       (a) *Be* signed by ~~the~~ holders of permits or  
8 certificates to appropriate water in the basin that are on file in the  
9 Office of the State Engineer *who represent a majority of the total*  
10 *groundwater permitted or certificated for use in the basin;* and  
11 ~~must be~~

12       (b) *Be* accompanied by a groundwater management plan which  
13 must set forth the necessary steps for removal of the basin's  
14 designation as a critical management area.

15       2. In determining whether to approve a groundwater  
16 management plan submitted pursuant to subsection 1, the State  
17 Engineer shall consider, without limitation:

18       (a) The hydrology of the basin;

19       (b) The physical characteristics of the basin;

20       (c) The geographic spacing and location of the withdrawals of  
21 groundwater in the basin;

22       (d) The quality of the water in the basin;

23       (e) The wells located in the basin, including, without limitation,  
24 domestic wells;

25       (f) Whether a groundwater management plan already exists for  
26 the basin; and

27       (g) Any other factor deemed relevant by the State Engineer.

28       3. Before approving or disapproving a groundwater  
29 management plan submitted pursuant to subsection 1, the State  
30 Engineer shall hold a public hearing to take testimony on the plan in  
31 the county where the basin lies or, if the basin lies in more than one  
32 county, within the county where the major portion of the basin lies.  
33 The State Engineer shall cause notice of the hearing to be:

34       (a) Given once each week for 2 consecutive weeks before the  
35 hearing in a newspaper of general circulation in the county or  
36 counties in which the basin lies.

37       (b) Posted on the Internet website of the State Engineer for at  
38 least 2 consecutive weeks immediately preceding the date of the  
39 hearing.

40       4. The decision of the State Engineer on a groundwater  
41 management plan may be reviewed by the district court of the  
42 county pursuant to NRS 533.450.

43       5. An amendment to a groundwater management plan must be  
44 proposed and approved in the same manner as an original



1 groundwater management plan is proposed and approved pursuant  
2 to this section.

3 *6. The State Engineer shall not require the holder of a permit  
4 or certificate in the basin with a date of priority that is before the  
5 date on which permits or certificates for withdrawals of  
6 groundwater in the basin were equal to the perennial yield of the  
7 basin who does not sign the petition submitted pursuant to  
8 subsection 1 to comply with the provisions of a groundwater  
9 management plan that is approved pursuant to this section, but the  
10 holder of such a permit or certificate may notify the State  
11 Engineer in writing that he or she intends to comply with the  
12 approved groundwater management plan at any time after the  
13 groundwater management plan has been approved.*

14 *7. If the State Engineer modifies the perennial yield of a  
15 basin pursuant to subsection 2 of section 1 of this act after a  
16 groundwater management plan is submitted pursuant to  
17 subsection 1, the State Engineer shall, as applicable:*

18 *(a) If the perennial yield is decreased, require all holders of  
19 permits or certificates in the basin with a date of priority that is  
20 after the date on which permits or certificates for withdrawals of  
21 groundwater in the basin were equal to the perennial yield of the  
22 basin to comply with the provisions of the approved groundwater  
23 management plan; and*

24 *(b) If the perennial yield is increased, provide all holders of  
25 permits or certificates in the basin with a date of priority that is  
26 before the date on which permits or certificates for withdrawals of  
27 groundwater in the basin were equal to the perennial yield of the  
28 basin the opportunity to opt out of complying with the approved  
29 groundwater management plan by notifying the State Engineer in  
30 writing that he or she does not intend to comply with the approved  
31 groundwater management plan.*

32 *8. If a groundwater management plan approved pursuant to  
33 this section has been in effect for 10 consecutive years, the State  
34 Engineer shall review the results of the groundwater management  
35 plan to determine whether there has been significant progress  
36 towards stabilizing the water level of the basin, as determined by  
37 the State Engineer. If the State Engineer determines there has not  
38 been significant progress, the State Engineer shall, except as  
39 otherwise provided in subsection 9 of NRS 534.110, order:*

40 *(a) The groundwater management plan dissolved; and*

41 *(b) That withdrawals, including, without limitation,  
42 withdrawals from domestic wells, be restricted in that basin to  
43 conform to priority rights until the water level of the basin is  
44 stabilized.*



1       **Sec. 2.** 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:

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

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

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

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

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

19       ↳ to report periodically to the State Engineer concerning the effect  
20 of that well on other previously existing wells that are located within  
21 2,500 feet of the well.

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

31       5. This section does not prevent the granting of permits to  
32 applicants later in time on the ground that the diversions under the  
33 proposed later appropriations may cause the water level to be  
34 lowered at the point of diversion of a prior appropriator, so long as  
35 any protectable interests in existing domestic wells as set forth in  
36 NRS 533.024 and the rights of holders of existing appropriations  
37 can be satisfied under such express conditions. At the time a permit  
38 is granted 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       ↳ the State Engineer shall include as a condition of the permit that  
43 pumping water pursuant to the permit may be limited or prohibited  
44 to prevent any unreasonable adverse effects on an existing domestic  
45 well located within 2,500 feet of the well, unless the holder of the



1 permit and the owner of the domestic well have agreed to alternative  
2 measures that mitigate those adverse effects.

3 6. Except as otherwise provided in subsection 7, the State  
4 Engineer shall conduct investigations in any basin or portion thereof  
5 where it appears that the average annual replenishment to the  
6 groundwater supply may not be adequate for the needs of all  
7 permittees and all vested-right claimants, and if the findings of the  
8 State Engineer so indicate, except as otherwise provided in  
9 subsection 9, the State Engineer may order that withdrawals,  
10 including, without limitation, withdrawals from domestic wells, be  
11 restricted to conform to priority rights ~~{ }~~ *until the water level of the*  
12 *basin is stabilized.*

13 7. The State Engineer:

14 (a) May designate as a critical management area any basin in  
15 which withdrawals of groundwater consistently exceed the perennial  
16 yield of the basin.

17 (b) Shall designate as a critical management area any basin in  
18 which withdrawals of groundwater consistently exceed the perennial  
19 yield of the basin upon receipt of a petition for such a designation  
20 which is signed by ~~a majority of~~ the holders of certificates or  
21 permits to appropriate water in the basin that are on file in the Office  
22 of the State Engineer ~~{ }~~ *who represent a majority of groundwater*  
23 *permitted or certificated for use in the basin.*

24 ↪ The designation of a basin as a critical management area pursuant  
25 to this subsection may be appealed pursuant to NRS 533.450. If a  
26 basin has been designated as a critical management area for ~~at~~  
27 ~~least~~ 10 consecutive years, except as otherwise provided in  
28 subsection 9, the State Engineer shall order that withdrawals,  
29 including, without limitation, withdrawals from domestic wells, be  
30 restricted in that basin to conform to priority rights ~~{ }~~ *until the*  
31 *water level of the basin is stabilized,* unless a groundwater  
32 management plan has been approved for the basin pursuant to  
33 NRS 534.037.

34 8. In any basin or portion thereof in the State designated by the  
35 State Engineer, the State Engineer may restrict drilling of wells in  
36 any portion thereof if the State Engineer determines that additional  
37 wells would cause an undue interference with existing wells. Any  
38 order or decision of the State Engineer so restricting drilling of such  
39 wells may be reviewed by the district court of the county pursuant to  
40 NRS 533.450.

41 9. If a court of competent jurisdiction orders the State Engineer  
42 to restrict withdrawals to conform to priority rights or if pursuant to  
43 subsection 6 or 7 *or subsection 8 of NRS 534.037* the State  
44 Engineer orders that withdrawals be restricted to conform to priority  
45 rights, the State Engineer must limit the restriction of withdrawals



1 from a domestic well to allow a domestic well to continue to  
2 withdraw 0.5 acre-feet of water per year, which must be recorded by  
3 a water meter.

4 **Sec. 3.** 1. Except as otherwise provided in subsection 2, the  
5 amendatory provisions of sections 1 and 1.5 of this act do not apply  
6 to a groundwater management plan approved before October 1,  
7 2023.

8 2. Beginning on October 1, 2033, the State Engineer shall  
9 review any groundwater management plan approved before  
10 October 1, 2023, to determine whether there has been significant  
11 progress towards stabilizing the water level of the basin, as  
12 determined by the State Engineer. If the State Engineer determines  
13 there has not been significant progress, the State Engineer shall,  
14 except as otherwise provided in subsection 9 of NRS 534.110, as  
15 amended by section 2 of this act, order:

16 (a) The groundwater management plan dissolved; and

17 (b) That withdrawals, including, without limitation, withdrawals  
18 from domestic wells, be restricted in that basin to conform to  
19 priority rights until the water level of the basin is stabilized.



