
SENATE BILL NO. 272—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S
SUBCOMMITTEE TO STUDY WATER)

MARCH 15, 2017

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to water.
(BDR 48-358)

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 State Engineer to limit withdrawals from new domestic wells in certain basins; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the State Engineer has various powers to regulate
2 groundwater in this State and may designate certain basins as critical management
3 areas under certain conditions. (NRS 534.110) This bill authorizes the State
4 Engineer to limit withdrawals of groundwater to 0.5 acre-feet of water per year
5 from any domestic well which is not in existence on or before July 1, 2017, in any
6 basin: (1) that has been designated as a critical management area; or (2) where
7 withdrawals of groundwater consistently exceed the perennial yield of the basin.

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:
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.



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

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

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

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

11 ➤ to report periodically to the State Engineer concerning the effect
12 of that well on other previously existing wells that are located within
13 2,500 feet of the well.

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

23 5. This section does not prevent the granting of permits to
24 applicants later in time on the ground that the diversions under the
25 proposed later appropriations may cause the water level to be
26 lowered at the point of diversion of a prior appropriator, so long as
27 any protectable interests in existing domestic wells as set forth in
28 NRS 533.024 and the rights of holders of existing appropriations
29 can be satisfied under such express conditions. At the time a permit
30 is granted for a well:

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

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

34 ➤ the State Engineer shall include as a condition of the permit that
35 pumping water pursuant to the permit may be limited or prohibited
36 to prevent any unreasonable adverse effects on an existing domestic
37 well located within 2,500 feet of the well, unless the holder of the
38 permit and the owner of the domestic well have agreed to alternative
39 measures that mitigate those adverse effects.

40 6. Except as otherwise provided in subsection 7, the State
41 Engineer shall conduct investigations in any basin or portion thereof
42 where it appears that the average annual replenishment to the
43 groundwater supply may not be adequate for the needs of all
44 permittees and all vested-right claimants, and if the findings of the
45 State Engineer so indicate, the State Engineer may order that



1 withdrawals, including, without limitation, withdrawals from
2 domestic wells, be restricted to conform to priority rights.

3 7. The State Engineer:

4 (a) May designate as a critical management area any basin in
5 which withdrawals of groundwater consistently exceed the perennial
6 yield of the basin.

7 (b) Shall designate as a critical management area any basin in
8 which withdrawals of groundwater consistently exceed the perennial
9 yield of the basin upon receipt of a petition for such a designation
10 which is signed by a majority of the holders of certificates or
11 permits to appropriate water in the basin that are on file in the Office
12 of the State Engineer.

13 ↪ The designation of a basin as a critical management area pursuant
14 to this subsection may be appealed pursuant to NRS 533.450. If a
15 basin has been designated as a critical management area for at least
16 10 consecutive years, the State Engineer shall order that
17 withdrawals, including, without limitation, withdrawals from
18 domestic wells, be restricted in that basin to conform to priority
19 rights, unless a groundwater management plan has been approved
20 for the basin pursuant to NRS 534.037.

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

28 ***9. In any basin designated by the State Engineer as a critical***
29 ***management area pursuant to subsection 7 or any basin where***
30 ***withdrawals of groundwater consistently exceed the perennial***
31 ***yield of the basin, the State Engineer may order that withdrawals***
32 ***from a domestic well that was not in existence on or before July 1,***
33 ***2017, be limited to 0.5 acre-feet of water per year. The provisions***
34 ***of this subsection do not authorize the State Engineer to limit***
35 ***withdrawals from a domestic well in existence on or before July 1,***
36 ***2017, which requires repair or replacement.***

37 **Sec. 2.** This act becomes effective on July 1, 2017.



