

CHAPTER 534 - UNDERGROUND WATER AND WELLS

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NRS 534.010 Definitions.

1. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 534.0105](#) to [534.0175](#), inclusive, have the meanings ascribed to them in those sections.

2. As used in this chapter, the terms “underground water” and “groundwater” are synonymous.

[Part 2:178:1939; A [1947, 52](#); [1949, 128](#); [1955, 328](#)] — (NRS A [1957, 714](#); [1971, 867](#); [1981, 658](#); [1985, 522](#), [1302](#); [1987, 1776](#))

NRS 534.0105 “Aquifer” defined. “Aquifer” means a geological formation or structure that stores or transmits water, or both.
(Added to NRS by [1987, 1770](#))

NRS 534.011 “Area of active management” defined. “Area of active management” means an area:

1. In which the State Engineer is conducting particularly close monitoring and regulation of the water supply because of heavy use of that supply; and

2. Which has received that designation by the State Engineer pursuant to [NRS 534.030](#).

(Added to NRS by [1987, 1770](#); A [1989, 598](#))

NRS 534.0115 “Area of hydrologic effect” defined. “Area of hydrologic effect” means the surface area of land covering the extent of hydrologic response of water recharged pursuant to a project to recharge.

(Added to NRS by [1987, 1770](#))

NRS 534.012 “Artesian well” defined. “Artesian well” means a well tapping an aquifer underlying an impervious material in which the static water level in the well stands above where it is first encountered in the aquifer.

(Added to NRS by [1987, 1770](#))

NRS 534.0125 “Augmentation” defined. “Augmentation” means to increase the volume of stored water in a system of aquifers by artificially introducing water into that system.

(Added to NRS by [1987, 1770](#))

NRS 534.013 “Domestic use” and “domestic purposes” defined. “Domestic use” or “domestic purposes” extends to culinary and household purposes directly related to:

1. A single-family dwelling; and

2. An accessory dwelling unit for a single-family dwelling if provided for in an applicable local ordinance, including, without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed the maximum amount set forth in [NRS 534.180](#) for exemption from the application of this chapter.

(Added to NRS by [1987, 1770](#); A [1999, 1184](#); [2007, 842](#))

NRS 534.0135 “Percolating waters” defined. “Percolating waters” are underground waters, the course and boundaries of which are incapable of determination.

(Added to NRS by [1987, 1770](#))

NRS 534.014 “Person” defined. “Person” includes any municipal corporation, power district, political subdivision of this or any state, or an agency of the United States Government.

(Added to NRS by [1987, 1770](#))

NRS 534.0145 “Project” defined. “Project” means a facility designed and constructed to add water to a system of aquifers, store water underground and recover that water pursuant to a permit issued pursuant to [NRS 534.250](#).

(Added to NRS by [1987, 1770](#))

NRS 534.015 “Recharged water” defined. “Recharged water” means water that reaches or percolates into an aquifer or system of aquifers:

1. Through natural processes;

2. By secondary recharge as a result of beneficial uses; or

3. Artificially through facilities specifically constructed for that purpose.

(Added to NRS by [1987, 1770](#))

NRS 534.0155 “Storage account” defined. “Storage account” means an account established pursuant to [NRS 534.300](#) for a project for underground storage and recovery.

(Added to NRS by [1987, 1770](#))

NRS 534.016 “Stored water” defined. “Stored water” means water which has been stored underground for the purpose of recovery pursuant to a permit issued pursuant to [NRS 534.250](#).

(Added to NRS by [1987, 1770](#))

NRS 534.0165 “Waste” defined. “Waste” means causing, suffering or permitting any artesian well to discharge water unnecessarily above or below the surface of the ground so that the waters thereof are lost for beneficial use or in any canal or ditch conveying water from a well where the loss of water in transit is more than 20 percent of the amount of the water discharged from the well.

(Added to NRS by [1987, 1770](#))

NRS 534.017 “Well driller” defined. “Well driller” means any person who drills a well or wells, for compensation or otherwise.

(Added to NRS by [1987, 1770](#))

NRS 534.0175 “Well drilling” and “drilling a well” defined. “Well drilling” or “drilling a well” are synonymous, and mean drilling or boring new wells, placing casing in wells, cleaning and repairing existing wells, cementing wells and doing all other things normally associated with the construction or rehabilitation of wells.

(Added to NRS by [1987, 1770](#))

NRS 534.020 Underground waters belong to public and are subject to appropriation for beneficial use; declaration of legislative intent.

1. All underground waters within the boundaries of the State belong to the public, and, subject to all existing rights to the use thereof, are subject to appropriation for beneficial use only under the laws of this State relating to the appropriation and use of water and not otherwise.

2. It is the intention of the Legislature, by this chapter, to prevent the waste of underground waters and pollution and contamination thereof and provide for the administration of the provisions thereof by the State Engineer, who is hereby empowered to make such rules and regulations within the terms of this chapter as may be necessary for the proper execution of the provisions of this chapter.

[1:178:1939; 1931 NCL § 7993.10]

NRS 534.025 Removal of underground waters to alleviate hazards caused by secondary recharge is beneficial use. The removal of groundwater from any basin in Nevada, to alleviate potential hazards to persons and property resulting from the rise of groundwater caused by secondary recharge, is hereby declared to be a beneficial use if it is accomplished pursuant to the terms and conditions of a waiver issued pursuant to paragraph (c) of subsection 2 of [NRS 534.050](#).

(Added to NRS by [1987, 1776](#))

NRS 534.030 Administration by State Engineer: Petition by appropriators in basin; hearing in absence of petition; certain artesian water, underground aquifers and percolating water; advisory services of governing bodies of water districts and water conservation boards.

1. Upon receipt by the State Engineer of a petition requesting the State Engineer to administer the provisions of this chapter as relating to designated areas, signed by not less than 40 percent of the appropriators of record in the Office of the State Engineer, in any particular basin or portion therein, the State Engineer shall:

(a) Cause to be made the necessary investigations to determine if such administration would be justified.

(b) If the findings of the State Engineer are affirmative, designate the area by basin, or portion therein, and make an official order describing the boundaries by legal subdivision as nearly as possible.

(c) Proceed with the administration of this chapter.

2. In the absence of such a petition from the owners of wells in a groundwater basin which the State Engineer considers to be in need of administration, the State Engineer shall hold a public hearing:

(a) If adequate facilities to hold a hearing are available within the basin; or

(b) If such facilities are unavailable, hold the hearing within the county where the basin lies or within the county, where the major portion of the basin lies,

to take testimony from those owners to determine whether administration of that basin is justified. If the basin is found, after due investigation, to be in need of administration the State Engineer may enter an order in the same manner as if a petition, as described in subsection 1, had been received.

3. The order of the State Engineer may be reviewed by the district court of the county pursuant to [NRS 533.450](#).

4. The State Engineer shall supervise all wells tapping artesian water or water in definable underground aquifers drilled after March 22, 1913, and all wells tapping percolating water drilled subsequent to March 25, 1939, except those wells for domestic purposes for which a permit is not required.

5. Within any groundwater basin which has been designated or which may hereafter be so designated by the State Engineer, except groundwater basins subject to the provisions of [NRS 534.035](#), and wherein a water conservation board has been created and established or wherein a water district has been created and established by law to furnish water to an area or areas within the basin or for groundwater conservation purposes, the State Engineer, in the administration of the groundwater law, shall avail himself or herself of the services of the governing body of the water district or the water conservation board, or both of them, in an advisory capacity. The governing body or water board shall furnish such advice and assistance to the State Engineer as is necessary for the purpose of the conservation of groundwater within the areas affected. The services of the governing body or water conservation board must be without compensation from the State, and the services so rendered must be upon reasonable agreements effected with and by the State Engineer.

[4:178:1939; A [1947, 52](#); [1949, 128](#); [1953, 188](#)] — (NRS A [1957, 715](#); [1961, 489](#); [1967, 1052](#); [1981, 916](#), [1841](#); [1983, 534](#))

NRS 534.035 Groundwater boards: Establishment; number, appointment, terms and expenses of members; officers; meetings and quorum; duties; dissolution.

1. In each area designated as a groundwater basin by the State Engineer pursuant to the provisions of [NRS 534.030](#), the board of county commissioners may recommend to the State Engineer that the State Engineer establish a groundwater board. The State Engineer shall determine whether or not a groundwater board is to be established and may direct its establishment by order.

2. If a groundwater board is established, the governing bodies of all the cities and towns within the designated area, the board of county commissioners of each county in which the area is located, and the governing body of any water district in which the area is included, or partly included, shall each submit a list of names of residents of the area to the Governor, who shall appoint seven members of the board. At least one member must be appointed from each list.

3. After the initial terms, the term of office of each member of the board is 4 years. The board shall elect one member as chair and one member as secretary to serve as such at the pleasure of the board.

4. The board shall maintain its headquarters at the county seat of the county in which the designated area is located, or if the area lies in more than one county, in the county seat of one of the counties in which the area is located. The board shall hold meetings at such times and places as it may determine. Special meetings may be called at any time by the secretary at the request of any four members, or by the chair, upon notice specifying the matters to be acted upon at the meeting. No matters other than those specified in the notice may be acted upon at that meeting unless all members are present and consent thereto.

5. A majority of the board constitutes a quorum, and the board shall act only by a majority of those present.

6. For each day's attendance at each meeting of the groundwater board, or for each day when services are actually performed for the groundwater board, the members are entitled to receive per diem and travel allowances provided by law. Claims for those expenses must be paid as provided in subsection 6 of [NRS 534.040](#).

7. The State Engineer shall not approve any application or issue any permit to drill a well, appropriate groundwater, change the place or manner of use or the point of diversion of water within the designated area, adopt any related regulations or enter any related orders until the State Engineer has conferred with the board and obtained its written advice and recommendations.

8. It is the intention of the Legislature that the State Engineer and the board be in agreement whenever possible, but, for the purpose of fixing responsibility to the Governor, if there is any disagreement between the State Engineer and the board, the views of the State Engineer prevail. A written report of any such disagreement must be made immediately to the Governor by the State Engineer and the board.

9. Any groundwater board may request from the State Engineer or any other state, county, city or district agency such technical information, data and advice as it may require to perform its functions, and the State Engineer and such other agencies shall, within the resources available to them, furnish such assistance as may be requested.

10. The Governor may dissolve the groundwater board by order if the Governor determines that the future activities of the board are likely to be insubstantial.

(Added to NRS by [1961, 488](#); A [1967, 1252](#); [1973, 182](#); [1977, 1235](#); [1981, 67, 917](#))

NRS 534.037 Groundwater management plan for basin designated as critical management area: Petition; hearing; approval or disapproval; judicial review; amendment.

1. In a basin that has been designated as a critical management area by the State Engineer pursuant to subsection 7 of [NRS 534.110](#), a petition for the approval of a groundwater management plan for the basin may be submitted to the State Engineer. The petition must be signed by a majority of the holders of permits or certificates to appropriate water in the basin that are on file in the Office of the State Engineer and must be accompanied by a groundwater management plan which must set forth the necessary steps for removal of the basin's designation as a critical management area.

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

- (a) The hydrology of the basin;
- (b) The physical characteristics of the basin;
- (c) The geographic spacing and location of the withdrawals of groundwater in the basin;
- (d) The quality of the water in the basin;
- (e) The wells located in the basin, including, without limitation, domestic wells;
- (f) Whether a groundwater management plan already exists for the basin; and
- (g) Any other factor deemed relevant by the State Engineer.

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

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

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

4. The decision of the State Engineer on a groundwater management plan may be reviewed by the district court of the county pursuant to [NRS 533.450](#).

5. An amendment to a groundwater management plan must be proposed and approved in the same manner as an original groundwater management plan is proposed and approved pursuant to this section.

(Added to NRS by [2011, 1383](#))

NRS 534.040 Employment and compensation of well supervisor and assistants; levy, collection and distribution of special assessment.

1. Upon the initiation of the administration of this chapter in any particular basin, and where the investigations of the State Engineer have shown the necessity for the supervision over the waters of that basin, the State Engineer may employ a well supervisor and other necessary assistants, who shall execute the duties as provided in this chapter under the direction of the State Engineer. The salaries of the well supervisor and the assistants of the well supervisor must be fixed by the State Engineer. The well supervisor and assistants are exempt from the provisions of [chapter 284](#) of NRS.

2. The board of county commissioners shall levy a special assessment annually, or at such time as the assessment is needed, upon all taxable property situated within the confines of the area designated by the State Engineer to come under the provisions of this chapter in an amount as is necessary to pay those salaries, together with necessary expenses, including the compensation and other expenses of the Well Drillers' Advisory Board if the money available from the license fees provided for in [NRS 534.140](#) is not sufficient to pay those costs. In designated areas within which the use of groundwater is predominantly for agricultural purposes the

levy must be charged against each water user who has a permit to appropriate water or a perfected water right, and the charge against each water user must be based upon the proportion which his or her water right bears to the aggregate water rights in the designated area. The minimum charge is \$1.

3. The salaries and expenses may be paid by the State Engineer from the Water Distribution Revolving Account pending the levy and collection of the assessment as provided in this section.

4. The proper officers of the county shall levy and collect the special assessment as other special assessments are levied and collected, and the assessment is a lien upon the property.

5. The assessment provided for, when collected, must be deposited with the State Treasurer for credit to the Water District Account to be accounted for in basin well accounts.

6. Upon determination and certification by the State Engineer of the amount to be budgeted for the current or ensuing fiscal year for the purpose of paying the per diem and travel allowances of the groundwater board and employing consultants or other help needed to fulfill its responsibilities, the State Controller shall transfer that amount to a separate operating account for that fiscal year for the groundwater basin. Claims against the account must be approved by the groundwater board and paid as other claims against the State are paid. The State Engineer may use money in a particular basin well account to support an activity outside the basin in which the money is collected if the activity bears a direct relationship to the responsibilities or activities of the State Engineer regarding the particular groundwater basin.

[5:178;1939; A 1943, 139; [1947, 52](#); [1953, 188](#)] — (NRS A [1957, 716](#); [1963, 796](#); [1967, 1253](#); [1969, 342](#); [1979, 668](#); [1985, 694](#); [1991, 1784](#); [1993, 2352](#); [1995, 222](#))

NRS 534.050 Permit to appropriate water required before sinking well in designated groundwater basin; requirements in undesignated areas; waivers; penalties.

1. Except as otherwise provided in subsection 2 and [NRS 534.180](#), every person desiring to sink or bore a well in any basin or portion therein in the State designated by the State Engineer, as provided for in this chapter, must first make application to and obtain from the State Engineer a permit to appropriate the water, pursuant to the provisions of [chapter 533](#) of NRS relating to the appropriation of the public waters, before performing any work in connection with the boring or sinking of the well.

2. Upon written application and a showing of good cause, the State Engineer may issue a written waiver of the requirements of subsection 1:

(a) For exploratory wells to be drilled to determine the availability of water or the quality of available water;

(b) To allow temporary use of the water in constructing a highway or exploring for water, oil, gas, minerals or geothermal resources; or

(c) For wells to be drilled in shallow groundwater systems and pumped to alleviate potential hazards to persons and property resulting from the rise of groundwater caused by secondary recharge. If practical, approved by the State Engineer and consistent with this chapter and [chapter 533](#) of NRS, the withdrawn water must be used for some other beneficial use.

3. In other basins or portions of basins which have not been designated by the State Engineer no application or permit to appropriate water is necessary until after the well is sunk or bored and water developed. Before any diversion of water may be made from the well, the appropriator must make application to and obtain from the State Engineer, pursuant to the provisions of [chapter 533](#) of NRS, a permit to appropriate the water.

4. Upon written application and a showing of good cause, the State Engineer may issue a written waiver of the requirements of subsection 3, to allow temporary use of water in constructing a highway or exploring for water, oil, gas, minerals or geothermal resources.

5. Any person using water after a permit has been withdrawn, denied, cancelled, revoked or forfeited is guilty of a misdemeanor. Each day of violation of this subsection constitutes a separate offense and is separately punishable.

[6:178;1939; A 1943, 139; [1947, 52](#); [1949, 128](#); [1953, 190](#)] — (NRS A [1957, 716](#); [1967, 1053](#); [1979, 183, 242](#); [1981, 659](#); [1983, 2090](#); [1985, 490](#); [1987, 1776](#); [1997, 1621](#); [2007, 842](#))

NRS 534.060 Conditions for sinking wells; casings and appliances; repair of defective wells; liens; sealing of wells; use of abandoned wells to monitor groundwater.

1. During the sinking or boring of a well the permittee shall cause to be placed in the well a proper and sufficient casing approved by the State Engineer, so arranged as to prevent the caving in of the well and to prevent the escape of water therefrom through any intervening sand or gravel stratum, which casing must be of sufficient length to reach the deepest aquifer encountered during the sinking or boring of the well.

2. The number, size, type and distribution of perforations is optional with the permittee, except that no perforations may be made in a pipe tapping confined (artesian) water above the confining impervious materials.

3. The permittee shall provide the necessary valves, plugs or other appliances to prevent or control the flow of water from the well and prevent the loss of underground water above or below the ground surface.

4. If in the judgment of the State Engineer a well is in any manner defective the State Engineer may order the owner to repair the well or, in the discretion of the State Engineer, may cause the well to be repaired or sealed. If the State Engineer elects to repair or seal the well, the cost of repairing or sealing the well must be paid from the water distribution account and must not be charged to the owner of the well or be a lien on the land upon which the well is located or on other land of the owner to which water from the well is appurtenant.

5. If the State Engineer orders the owner to repair the well and if upon 15 days' written notice by registered or certified mail, return receipt requested, the owner fails to repair the well, the State Engineer or the assistants or authorized agents of the State Engineer may, without further notice, take such steps as may be necessary to effect such repairs. The cost thereof, including the labor and material, may in the first instance be paid by the State Engineer from the Water Distribution Revolving Account, but any such cost in any event is a lien on the land on which the well is located and, also, any other land possessed by the well owner to which the water from the well is appurtenant.

6. The State Engineer, or the assistants or authorized agents of the State Engineer, as the case may be, shall file an itemized and sworn statement, setting forth the date when the work was done and the nature of the labor so performed, with the board of county commissioners of the county wherein the charge and expense were incurred. The board of county commissioners shall thereupon present a bill for the expense to the person liable therefor under this section, and if that person neglects for 30 days thereafter to pay it, the bill and costs become a lien upon the lands and property of the person so liable for the payment of the bill, and must be collected as delinquent taxes against the lands and property are collected.

7. When a well is abandoned or about to be abandoned, the owner, in lieu of plugging the well, may advise the State Engineer and other interested hydrologic entities that the well is available to monitor the groundwater. If, in the opinion of the State Engineer, the

well would be useful as a site for monitoring, the State Engineer may grant the owner a waiver of the requirement that the well be plugged.

8. The State Engineer may grant the owner of a well a waiver of the requirement that the well be plugged under circumstances other than those set forth in subsection 7. The State Engineer shall adopt regulations that provide a procedure by which the State Engineer may approve a waiver from the requirement of plugging an abandoned well pursuant to this subsection.

[7:178:1939; A [1947, 52](#); 1943 NCL § 7993.16] — (NRS A [1957, 717](#); [1961, 448](#); [1967, 192](#); [1979, 669](#); [1987, 1777](#); [2005, 455](#))

NRS 534.070 Waste of water from artesian well unlawful.

1. No person controlling an artesian well in any basin in Nevada shall suffer the waters therefrom to flow to waste, unless, and as far as reasonably necessary in the judgment of the State Engineer, to prevent the obstruction thereof, or to flow or be taken therefrom except for beneficial purposes.

2. The owner of any artesian well from which water is being unnecessarily wasted shall be guilty of a misdemeanor.

[8:178:1939; A 1943, 139; [1947, 52](#); [1955, 328](#)] — (NRS A [1957, 720](#))

NRS 534.080 Appropriation of underground water for beneficial use from artesian, definable aquifer or percolating water: Acquisition of rights under [chapter 533](#) of NRS; orders to desist; dates of priority.

1. A legal right to appropriate underground water for beneficial use from an artesian or definable aquifer subsequent to March 22, 1913, or from percolating water, the course and boundaries of which are incapable of determination, subsequent to March 25, 1939, can only be acquired by complying with the provisions of [chapter 533](#) of NRS pertaining to the appropriation of water.

2. The State Engineer may, upon written notice sent by registered or certified mail, return receipt requested, advise the owner of a well who is using water therefrom without a permit to appropriate the water to cease using the water until the owner has complied with the laws pertaining to the appropriation of water. If the owner fails to initiate proceedings to secure such a permit within 30 days after the date of the notice, the owner is guilty of a misdemeanor.

3. Except as otherwise provided in subsection 4 and [NRS 534.180](#), the date of priority of all appropriations of water from an underground source mentioned in this section is the date when application is made in proper form and filed in the Office of the State Engineer pursuant to the provisions of [chapter 533](#) of NRS.

4. The date of priority for the use of underground water from a well for domestic purposes where the draught does not exceed 2 acre-feet per year is the date of completion of the well as:

(a) Recorded by the well driller on the log the well driller files with the State Engineer pursuant to [NRS 534.170](#); or

(b) Demonstrated through any other documentation or evidence specified by the State Engineer.

[9:178:1939; A [1947, 52](#); 1943 NCL § 7993.18] — (NRS A [1957, 718](#); [1967, 195](#); [2007, 843](#))

NRS 534.090 Forfeiture and abandonment of rights.

1. Except as otherwise provided in this section, failure for 5 successive years after April 15, 1967, on the part of the holder of any right, whether it is an adjudicated right, an unadjudicated right or a right for which a certificate has been issued pursuant to [NRS 533.425](#), and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse.

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

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

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

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

3. The State Engineer may, upon the request of the holder of any right described in subsection 1, extend the time necessary to work a forfeiture under subsection 2 if the request is made before the expiration of the time necessary to work a forfeiture. Except as otherwise provided in subsection 4, the State Engineer may grant, upon request and for good cause shown, any number of extensions, but a single extension must not exceed 1 year. In determining whether to grant or deny a request, the State Engineer shall, among other reasons, consider:

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

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

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

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

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

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

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

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

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

➔ The State Engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the Office of the State Engineer, of whether the State Engineer has granted or denied the holder's request for an extension pursuant to this

subsection. If the State Engineer grants an extension pursuant to this subsection and, before the expiration of that extension, proof of resumption of beneficial use or another request for an extension is not filed in the Office of the State Engineer, the State Engineer shall send a final notice to the owner of the water right, by registered or certified mail, that the water right will be declared forfeited if the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of the final notice. If the owner of the water right fails to file the required proof of resumption of beneficial use or an application for an extension of time to prevent forfeiture within 30 days after the date of such final notice, the State Engineer shall declare the water right, or the portion of the right not returned to beneficial use, forfeited.

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

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

(b) That has been designated as a critical management area by the State Engineer pursuant to subsection 7 of [NRS 534.110](#).

→ a single extension must not exceed 3 years, but any number of extensions may be granted to the holder of such a right.

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

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

[9a:178:1939; added [1947, 52](#); 1943 NCL § 7993.18a] — (NRS A [1967, 193, 1053; 1981, 1842; 1983, 1650; 1995, 1016; 2003, 651; 2007, 844; 2011, 504, 1384; 2017, 656, 3505](#))

NRS 534.100 Recognition of existing water rights; classification of water in definable aquifer or percolating water by State Engineer; adjudication of vested underground water rights.

1. Existing water rights to the use of underground water are hereby recognized. For the purpose of this chapter a vested right is a water right on underground water acquired from an artesian or definable aquifer prior to March 22, 1913, and an underground water right on percolating water, the course and boundaries of which are incapable of determination, acquired prior to March 25, 1939. The distinction as to whether water is in a definable aquifer or whether it is percolating water, the course and boundaries of which are incapable of determination, is a matter to be determined by the State Engineer.

2. Any claimant of a vested underground water right may petition the State Engineer to adjudicate such rights. If upon investigation the State Engineer finds the facts and conditions justify it, the State Engineer shall enter an order granting the petition and shall make proper arrangements to proceed with such determination. In the order the State Engineer shall designate the area within which such determination is to be made, but the size of such designated area may include other claimed underground vested water rights. Such designated area shall not extend into other drainage basins. Following the designation of such area the State Engineer shall proceed with adjudicating such rights as provided for in [chapter 533](#) of NRS.

[9a:178:1939; added [1947, 52](#); 1943 NCL § 7993.18b] — (NRS A [1957, 718](#))

NRS 534.110 Rules and regulations of State Engineer; statements and pumping tests; conditions of appropriation; designation of critical management areas; restrictions.

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

2. The State Engineer may:

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

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

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

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

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

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

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

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

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

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

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

6. Except as otherwise provided in subsection 7, the State Engineer shall conduct investigations in any basin or portion thereof where it appears that the average annual replenishment to the groundwater supply may not be adequate for the needs of all permittees and all vested-right claimants, and if the findings of the State Engineer so indicate, the State Engineer may order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted to conform to priority rights.

7. The State Engineer:

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

(b) Shall designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin upon receipt of a petition for such a designation which is signed by a majority of the holders of certificates or permits

to appropriate water in the basin that are on file in the Office of the State Engineer.

➔ The designation of a basin as a critical management area pursuant to this subsection may be appealed pursuant to [NRS 533.450](#). If a basin has been designated as a critical management area for at least 10 consecutive years, the State Engineer shall order that withdrawals, including, without limitation, withdrawals from domestic wells, be restricted in that basin to conform to priority rights, unless a groundwater management plan has been approved for the basin pursuant to [NRS 534.037](#).

8. In any basin or portion thereof in the State designated by the State Engineer, the State Engineer may restrict drilling of wells in any portion thereof if the State Engineer determines that additional wells would cause an undue interference with existing wells. Any order or decision of the State Engineer so restricting drilling of such wells may be reviewed by the district court of the county pursuant to [NRS 533.450](#).

[10:178:1939; A [1947, 52](#); [1949, 128](#); [1955, 328](#)] — (NRS A [1993, 2641](#); [2001, 553](#); [2011, 1385](#))

NRS 534.120 State Engineer authorized to make rules, regulations and orders when groundwater is being depleted in designated area; preferred uses of water; temporary permits to appropriate water; revocation of temporary permits; restrictions placed on certain wells.

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

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

- (a) Domestic, municipal, quasi-municipal, industrial, irrigation, mining and stock-watering uses; and
- (b) Any uses for which a county, city, town, public water district or public water company furnishes the water.

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

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

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

(c) Limit the depth of domestic wells.

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

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

4. The State Engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom groundwater was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

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

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

5. The State Engineer may, in an area in which have been issued temporary permits pursuant to subsection 3, limit the depth of a domestic well pursuant to paragraph (c) of subsection 3 or prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

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

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

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

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

[10.5:178:1939; added [1955, 328](#)] — (NRS A [1989, 1401](#); [1999, 3542](#); [2001, 555](#); [2003, 622, 624](#); [2007, 845](#))

NRS 534.125 State Engineer to file notice related to temporary permit. If the State Engineer issues a temporary permit pursuant to [NRS 534.120](#) or if a well for domestic use is drilled in an area in which the State Engineer has issued such a temporary permit, the State Engineer shall file a notice with the county recorder of the county in which the permit is issued or the well is drilled. The notice must include a statement indicating that, if and when water can be furnished by an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area:

1. A temporary permit may be revoked;

2. The owner of a domestic well may be prohibited from deepening or repairing the well; and

3. The owner of the property served by the well may be required to connect to this water source at his or her own expense.

(Added to NRS by [1999, 3541](#))

NRS 534.130 State Engineer, assistants and Artesian Well Supervisor authorized to enter premises to investigate and carry out duties. The State Engineer, or the assistants or authorized agents of the State Engineer, and the Artesian Well Supervisor, or the assistants of the Artesian Well Supervisor, shall have the right to enter the premises of any owner or proprietor where any well mentioned in this chapter is situated at any reasonable hour of the day for the purpose of investigating and carrying out their duties in the administration of this chapter.

[11:178:1939; 1931 NCL § 7993.20]

NRS 534.140 Well drillers: Annual licenses; fees; continuing education; regulations for well drilling; licensing by State Contractors' Board.

1. Every well driller, before engaging in the physical drilling of a well in this State for development of water, must annually apply to the State Engineer for a license to drill.
 2. The applications for those licenses and all licenses issued for the drilling of wells must be in the form prescribed by the State Engineer.
 3. All well-drilling licenses expire on June 30 following their issuance and are not transferable.
 4. A fee of \$100 must accompany each application for a license and a fee of \$50 must be paid each year for renewal of the license.
 5. Those license fees must be accounted for in the State Engineer's Water License Account and used to pay costs pertaining to licensing, the adoption and enforcement of regulations for well drilling and the compensation of the members of the Well Drillers' Advisory Board and their expenses.
 6. The State Engineer, after consulting with the Well Drillers' Advisory Board, shall adopt regulations relating to continuing education for well drillers.
 7. The State Engineer shall prepare and keep on file in the Office of the State Engineer regulations for well drilling.
 8. Before engaging in the physical drilling of a well in this State for the development of water, every well driller who is the owner of a well-drilling rig, or who has a well-drilling rig under lease or rental, or who has a contract to purchase a well-drilling rig, must obtain a license as a well driller from the State Contractors' Board.
- [Part 7a:178:1939; added [1947, 52](#); A [1955, 328](#)] — (NRS A [1957, 719](#); [1963, 797](#); [1979, 115](#); [1983, 407](#); [1991, 63](#), [1785](#); [2005, 456](#))

NRS 534.141 Application for renewal of license must include certain information regarding state business license; grounds for denial of renewal.

1. In addition to any other requirements set forth in this chapter, an applicant for the renewal of a license to drill pursuant to [NRS 534.140](#) must indicate in the application submitted to the State Engineer whether the applicant has a state business license. If the applicant has a state business license, the applicant must include in the application the business identification number assigned by the Secretary of State upon compliance with the provisions of [chapter 76](#) of NRS.
 2. A license to drill issued pursuant to [NRS 534.140](#) may not be renewed by the State Engineer if:
 - (a) The applicant fails to submit the information required by subsection 1; or
 - (b) The State Controller has informed the State Engineer pursuant to subsection 5 of [NRS 353C.1965](#) that the applicant owes a debt to an agency that has been assigned to the State Controller for collection and the applicant has not:
 - (1) Satisfied the debt;
 - (2) Entered into an agreement for the payment of the debt pursuant to [NRS 353C.130](#); or
 - (3) Demonstrated that the debt is not valid.
 3. As used in this section:
 - (a) "Agency" has the meaning ascribed to it in [NRS 353C.020](#).
 - (b) "Debt" has the meaning ascribed to it in [NRS 353C.040](#).
- (Added to NRS by [2013, 2736](#))

NRS 534.142 Payment of child support: Statement by applicant for license to drill; grounds for denial of license; duty of State Engineer. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. An applicant for the issuance or renewal of a license to drill pursuant to [NRS 534.140](#) shall submit to the State Engineer the statement prescribed by the Division of Welfare and Supportive Services of the Department of Health and Human Services pursuant to [NRS 425.520](#). The statement must be completed and signed by the applicant.
 2. The State Engineer shall include the statement required pursuant to subsection 1 in:
 - (a) The application or any other forms that must be submitted for the issuance or renewal of the license; or
 - (b) A separate form prescribed by the State Engineer.
 3. A license to drill may not be issued or renewed by the State Engineer if the applicant:
 - (a) Fails to submit the statement required pursuant to subsection 1; or
 - (b) Indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.
 4. If an applicant indicates on the statement submitted pursuant to subsection 1 that the applicant is subject to a court order for the support of a child and is not in compliance with the order or a plan approved by the district attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order, the State Engineer shall advise the applicant to contact the district attorney or other public agency enforcing the order to determine the actions that the applicant may take to satisfy the arrearage.
- (Added to NRS by [1997, 2088](#))

NRS 534.144 Suspension of license for failure to pay child support or comply with certain subpoenas or warrants; reinstatement of license. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.]

1. If the State Engineer receives a copy of a court order issued pursuant to [NRS 425.540](#) that provides for the suspension of all professional, occupational and recreational licenses, certificates and permits issued to a person who is the holder of a license to drill issued pursuant to [NRS 534.140](#), the State Engineer shall deem the license issued to that person to be suspended at the end of the 30th day after the date on which the court order was issued unless the State Engineer receives a letter issued to the holder of the license by the district attorney or other public agency pursuant to [NRS 425.550](#) stating that the holder of the license has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).
 2. The State Engineer shall reinstate a license to drill issued pursuant to [NRS 534.140](#) that has been suspended by a district court pursuant to [NRS 425.540](#) if the State Engineer receives a letter issued by the district attorney or other public agency pursuant to [NRS 425.550](#) to the person whose license was suspended stating that the person whose license was suspended has complied with the subpoena or warrant or has satisfied the arrearage pursuant to [NRS 425.560](#).
- (Added to NRS by [1997, 2089](#))

NRS 534.146 Application for license to include social security number of applicant. [Effective until the date of the repeal of 42 U.S.C. § 666, the federal law requiring each state to establish procedures for withholding, suspending and restricting the

professional, occupational and recreational licenses for child support arrearages and for noncompliance with certain processes relating to paternity or child support proceedings.] An application for the issuance of a license to drill pursuant to [NRS 534.140](#) must include the social security number of the applicant.
(Added to NRS by [1997, 2089](#))

NRS 534.150 Well Drillers' Advisory Board: Appointment; terms of members; vacancies; compensation; duties.

1. For the purpose of examining applicants for well drillers' licenses, the State Engineer may appoint a Well Drillers' Advisory Board referred to in this section as the "Board." The Board may be on a regional or statewide basis.

2. In making the initial appointments, the State Engineer shall appoint members to staggered terms of 1, 2 and 3 years. After the initial terms, members shall serve for 3-year terms.

3. The State Engineer may fill vacancies on the Board.

4. Each member of the Board is entitled to receive \$60 for each day and \$30 for each half day spent doing the work of the Board. Any time spent by members of the Board in work or travel necessary to the discharge of their duties which is less than a full day but more than a half day must be treated for compensation as a full day. Any time less than a half day must be treated as a half day.

5. The purpose of the Board is to determine the qualifications of an applicant as a well driller and to submit its findings to the State Engineer.

6. Regulations of the Board on examining applicants for well drillers' licenses must be developed by the State Engineer in cooperation with the Board upon its creation.

7. If a hearing is held by the State Engineer to determine whether a licensed well driller is complying with the law or the regulations pertaining to well drilling, the State Engineer may avail himself or herself of the services of the Board in an advisory capacity.

[Part 7a:178:1939; added [1947, 52](#); A [1955, 328](#)] — (NRS A [1963, 798](#); [1977, 1236](#); [1979, 793](#); [1981, 1986](#); [1985, 434](#))

NRS 534.160 License required to drill well; revocation of or refusal to reissue license; order to plug well; penalty for allowing unlicensed person to drill.

1. A person shall not drill a well for water in this State without having first obtained a well-drilling license.

2. Well drillers must comply with the regulations adopted by the State Engineer governing the drilling of water wells.

3. If the State Engineer determines, upon investigation and after hearing held upon at least 15 days' notice sent by registered or certified mail to the licensed well driller, that the well driller has failed to comply with the law or the required regulations, the State Engineer may revoke the license. The State Engineer may refuse to reissue a license to a well driller if the well driller has violated the law or the regulations.

4. The order revoking or refusing to reissue a license is final unless an action for review by the district court is filed pursuant to [NRS 533.450](#).

5. The State Engineer shall order any person who drills a well without a license to plug that well. If the well is not plugged within 30 days after the order, the State Engineer shall plug the well at the expense of the person who owned or drilled the well.

6. If any licensed driller who owns, rents, leases or has a contract to purchase a well-drilling rig allows an unlicensed person to drill or perform any work in connection with well drilling, except under the supervision of the licensed driller, the license must be revoked or not reissued.

[Part 7a:178:1939; added [1947, 52](#); A [1955, 328](#)] — (NRS A [1957, 719](#); [1969, 95](#); [1981, 360](#))

NRS 534.170 Well driller to keep log and records; contents; information to be furnished to State Engineer; report of test.

1. The well driller shall keep:

(a) A log of the depth, thickness and character of the different strata penetrated and the location of water-bearing strata; and

(b) An accurate record of the work, including:

(1) A statement of the date of beginning work;

(2) The date of completion;

(3) The length, size and weight of the casing and how it is placed;

(4) The size of the drilled hole;

(5) Where sealed off and the type of seal;

(6) The name of the well driller and the type of drilling machine used;

(7) The number of cubic feet per second or gallons per minute of flow from such well when completed; and

(8) The pressure in pounds per square inch if it is a flowing well, and, if nonflowing, the static water level, and the water temperature.

2. The well driller shall furnish a copy of the log and the record of work for every well drilled to the State Engineer within 30 days after the well is completed.

3. If the well is to be tested by pumping by the holder of the permit, the report of the test must include the drawdown with respect to the amount of water pumped and any additional information requested by the State Engineer. This information must be reported and verified on forms prescribed by the State Engineer. The report must be returned:

(a) Immediately following the completion of the test; or

(b) Within 30 days following the completion of the well,

→ whichever occurs later.

4. The log, record of the work and report of the test are a permanent record in the Office of the State Engineer.

[Part 7a:178:1939; added [1947, 52](#); A [1955, 328](#)] — (NRS A [1981, 1842](#))

NRS 534.180 Applicability of chapter to wells used for domestic purposes; registration and plugging of wells used for domestic purposes; wells for accessory dwelling unit of single-family dwelling.

1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed 2 acre-feet per year.

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

- (a) A political subdivision of this State; or
 - (b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada,
- ➔ but only if the charge for making the connection to the service is less than \$200.
4. If the development and use of underground water from a well for an accessory dwelling unit of a single-family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose:
- (a) The owner of the well shall:
 - (1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;
 - (2) Install a water meter capable of measuring the total withdrawal of water from the well; and
 - (3) Ensure the total withdrawal of water from the well does not exceed 2 acre-feet per year;
 - (b) The local governing body or planning commission shall report the approval of the accessory dwelling unit on a form provided by the State Engineer;
 - (c) The State Engineer shall monitor the annual withdrawal of water from the well; and
 - (d) The date of priority for the use of the domestic well to supply water to the accessory dwelling unit is the date of approval of the accessory dwelling unit by the local governing body or planning commission.
- [3:178:1939; A [1947, 52](#); [1949, 128](#); [1955, 328](#)] — (NRS A [1971, 868](#); [1977, 383](#); [1981, 1843](#); [1983, 2090](#); [1985, 1302](#); [1997, 2010](#); [2007, 846](#))

NRS 534.185 Waiver of certain requirements for domestic wells by State Engineer; exceptions.

1. The State Engineer shall, upon written request and receipt of a written agreement between the affected property owners, waive the requirements of this chapter regarding permits for the use and development of underground water from a well if:
- (a) The well existed on July 1, 1983;
 - (b) It is used solely for domestic purposes by not more than three single-family dwellings; and
 - (c) Each of those dwellings does not draw more than 2 acre-feet of water per year.
2. The State Engineer may require an owner who has been granted such a waiver to apply for a permit if one or more of the dwellings is drawing more than 2 acre-feet of water per year.
3. This section does not apply to any groundwater basin for which the State Engineer has in effect on July 1, 1983, a procedure of issuing revocable permits.
- (Added to NRS by [1983, 1674](#); A [2007, 847](#))

NRS 534.190 Penalties. Any person violating any of the provisions of [NRS 534.010](#) to [534.180](#), inclusive, shall be guilty of a misdemeanor.

[12:178:1939; A [1947, 52](#); 1943 NCL § 7993.21] — (NRS A [1967, 610](#))

NRS 534.193 Additional penalties.

1. Except as otherwise provided in [NRS 534.280](#), [534.310](#) and [534.330](#) and in addition to any other penalty provided by law, the State Engineer may, after notice and opportunity for a hearing, require a person who violates any provision of this chapter or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or [NRS 532.120](#) to:
- (a) Pay an administrative fine not to exceed \$10,000 per day for each violation as determined by the State Engineer.
 - (b) In the case of an unlawful waste of water in violation of [NRS 534.070](#) or any other violation of this chapter that, as determined by the State Engineer, results in an unlawful use, waste or diversion of water, replace not more than 200 percent of the water used, wasted or diverted.
2. In determining violations of this chapter relating to the unauthorized use of water yielded from a well that is used pursuant to a permit issued by the State Engineer and that has 16 or fewer connections, the State Engineer has the burden of proving which user is withdrawing water in excess of the portion of water allotted to the connection of that user. The State Engineer may require any or all users of the well to install and maintain, at their own expense, a meter that measures the amount of water withdrawn from the well by each connection.
3. If an administrative fine is imposed against a person pursuant to subsection 1 or the person is ordered to replace any water pursuant to that subsection, the State Engineer may require the person to pay the costs of the proceeding, including investigative costs and attorney's fees.
4. An order imposing an administrative fine or requiring the replacement of water or payment of costs or fees pursuant to this section may be reviewed by a district court pursuant to [NRS 533.450](#).
- (Added to NRS by [2007, 2020](#))

NRS 534.195 Injunctive and other relief.

1. The State Engineer may seek injunctive relief in the appropriate court to prevent the continuance or occurrence of any act or practice which violates any provision of this chapter, or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or [NRS 532.120](#).
2. On a showing by the State Engineer that a person is engaged, or is about to engage, in any act or practice which violates or will violate any provision of this chapter, or any permit, order or decision issued or regulation adopted by the State Engineer pursuant to this chapter or [NRS 532.120](#), the court may issue, without a bond, any prohibitory or mandatory injunction that the facts may warrant, including a temporary restraining order issued ex parte or, after notice and hearing, a preliminary or permanent injunction.
3. Failure to establish lack of an adequate remedy at law or irreparable harm is not a ground for denying a request for a temporary restraining order or injunction.
4. The court may require the posting of a sufficient performance bond or other security to ensure compliance with the court order within the period prescribed.
5. Any proceeding conducted or injunction or order issued pursuant to this section is in addition to, and not in lieu of, any other penalty or remedy available for a violation of this chapter.
- (Added to NRS by [2007, 2021](#))

NRS 534.250 Project for recharge, storage and recovery of water: Permit required; issuance, contents, modification and assignment of permit; monitoring requirements.

1. Any person desiring to operate a project must first make an application to, and obtain from, the State Engineer a permit to operate such a project.
2. The State Engineer shall, upon application, issue a permit to operate a project if the State Engineer determines that:

- (a) The applicant has the technical and financial capability to construct and operate a project.
 - (b) The applicant has a right to use the proposed source of water for recharge pursuant to an approved appropriation consistent with this chapter and [chapter 533](#) of NRS. Any determination made by the State Engineer for purposes of this paragraph is not binding in any other proceeding.
 - (c) The project is hydrologically feasible.
 - (d) If the project is in an area of active management, the project is consistent with the program of augmentation for that area.
 - (e) The project will not cause harm to users of land or other water within the area of hydrologic effect of the project.
 - 3. The holder of a permit may apply to the State Engineer for approval to assign the permit to another person. The State Engineer must approve the assignment if the person to whom the permit is to be assigned will meet the requirements of paragraphs (a) and (b) of subsection 2 when the assignment is completed.
 - 4. A permit for a project must include:
 - (a) The name and mailing address of the person to whom the permit is issued.
 - (b) The name of the area of active management, groundwater basin or groundwater sub-basin, as applicable, in which the project will be located.
 - (c) The capacity and plan of operation of the project.
 - (d) Any monitoring program required pursuant to subsection 5.
 - (e) Any conditions which are imposed pursuant to this chapter or any regulation adopted pursuant thereto.
 - (f) Any other information which the State Engineer deems necessary to include.
 - 5. The State Engineer shall require the holder of a permit to monitor the operation of the project and the effect of the project on users of land and other water within the area of hydrologic effect of the project. In determining any monitoring requirements, the State Engineer shall cooperate with all government entities which regulate or monitor, or both, the quality of water.
 - 6. The State Engineer, on his or her initiative or at the request of the holder of the permit, may modify the conditions of the permit if monitoring demonstrates that modifications are necessary. In determining whether modifications are necessary, the State Engineer shall consider uses of land or water which were not in existence when the permit was issued.
- (Added to NRS by [1987, 1771](#))

NRS 534.260 Project for recharge, storage and recovery of water: Contents of application for permit. The State Engineer shall prescribe and furnish guidelines for an application for a permit for a project. The application must include:

- 1. A fee for application of \$2,500;
 - 2. The name and mailing address of the applicant;
 - 3. The name of the area of active management, groundwater basin or groundwater sub-basin, as applicable, in which the applicant proposes to operate the project;
 - 4. The name and mailing address of the owner of the land on which the applicant proposes to operate the project;
 - 5. The legal description of the location of the proposed project;
 - 6. Such evidence of financial and technical capability as the State Engineer requires;
 - 7. The source, quality and annual quantity of water proposed to be recharged, and the quality of the receiving water;
 - 8. The legal basis for acquiring and using the water proposed to be recharged;
 - 9. A description of the proposed project including its capacity and plan of operation;
 - 10. A copy of a study that demonstrates:
 - (a) The area of hydrologic effect of the project;
 - (b) That the project is hydrologically feasible;
 - (c) That the project will not cause harm to users of land and water within the area of hydrologic effect; and
 - (d) The percentage of recoverable water;
 - 11. The proposed duration of the permit; and
 - 12. Any other information which the State Engineer requires.
- (Added to NRS by [1987, 1771](#))

NRS 534.270 Project for recharge, storage and recovery of water: Review of application for permit; notice of application; protests; hearing; determination; judicial review.

- 1. Upon receipt of an application for a permit to operate a project, the State Engineer shall endorse on the application the date it was received and keep a record of the application. The State Engineer shall conduct an initial review of the application within 45 days after receipt of the application. If the State Engineer determines in the initial review that the application is incomplete, the State Engineer shall notify the applicant. The application is incomplete until the applicant files all the information requested in the application. The State Engineer shall determine whether the application is correct within 180 days after receipt of a complete application. The State Engineer may request additional information from the applicant. The State Engineer may conduct such independent investigations as are necessary to determine whether the application should be approved or rejected.
- 2. If the application is determined to be complete and correct, the State Engineer, within 30 days after such a determination or a longer period if requested by the applicant, shall cause notice of the application to be given once each week for 2 consecutive weeks in a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be affected by the project. The notice must state:
 - (a) The legal description of the location of the proposed project;
 - (b) A brief description of the proposed project including its capacity;
 - (c) That any person who may be adversely affected by the project may file a written protest with the State Engineer within 30 days after the last publication of the notice;
 - (d) The date of the last publication;
 - (e) That the grounds for protesting the project are limited to whether the project would be in compliance with subsection 2 of [NRS 534.250](#);
 - (f) The name of the applicant; and
 - (g) That a protest must:
 - (1) State the name and mailing address of the protester;
 - (2) Clearly set forth the reason why the permit should not be issued; and
 - (3) Be signed by the protester or the protester's agent or attorney or, if the protester is a government, governmental agency or political subdivision of a government, be approved and signed in the manner specified in paragraph (g) of subsection 3.
- 3. A protest to a proposed project:
 - (a) May be made by any person who may be adversely affected by the project;

- (b) Must be in writing;
 - (c) Must be filed with the State Engineer within 30 days after the last publication of the notice;
 - (d) Must be upon a ground listed in subsection 2 of [NRS 534.250](#);
 - (e) Must state the name and mailing address of the protester;
 - (f) Must clearly set forth the reason why the permit should not be issued; and
 - (g) Except as otherwise provided in this paragraph, must be signed by the protester or the protester's agent or attorney. If the protester is a government, governmental agency or political subdivision of a government, the protest must be:
 - (1) Except as otherwise provided in subparagraph (2), approved and signed by the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or
 - (2) If the governmental agency or political subdivision is a division or other part of a department, approved and signed by the director or other person in charge of that department in this State, including, without limitation:
 - (I) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;
 - (II) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;
 - (III) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;
 - (IV) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;
 - (V) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or
 - (VI) The chair of the board of county commissioners, if the protest is filed by a county.
4. Upon receipt of a protest, the State Engineer shall advise the applicant by certified mail that a protest has been filed.
5. Upon receipt of a protest, or upon the motion of the State Engineer, the State Engineer may hold a hearing. Not less than 30 days before the hearing, the State Engineer shall send by certified mail notice of the hearing to the applicant and any person who filed a protest.
6. The State Engineer shall either approve or deny each application within 1 year after the final date for filing a protest, unless the State Engineer has received a written request from the applicant to postpone making a decision or, in the case of a protested application, from both the protester and the applicant. The State Engineer may delay action on the application pursuant to paragraph (d) of subsection 4 of [NRS 533.370](#).
7. Any person aggrieved by any decision of the State Engineer made pursuant to subsection 6 may appeal that decision to the district court pursuant to [NRS 533.450](#).
- (Added to NRS by [1987, 1772](#); A [2003, 2983](#); [2011, 761, 3507](#))

NRS 534.280 Project for recharge, storage and recovery of water: Annual report to State Engineer.

- 1. Any person who holds a permit for a project must compile and file with the State Engineer annual reports which define the operation of the project and provide such information as the State Engineer requires.
 - 2. Each report must contain either a sworn statement or a certification, under penalty of perjury, that the information contained in the report is true and correct according to the best belief and knowledge of the person filing the report.
 - 3. The annual report must be maintained on a calendar-year basis for the preceding calendar year. If a person who is required to file an annual report under this section fails to file a report when due, the State Engineer may assess and collect a penalty of \$500 for each month or portion of a month that the annual report is delinquent. The total penalty assessed under this subsection must not exceed \$5,000.
 - 4. The records and reports required to be kept and filed pursuant to this section must be in such form as the State Engineer prescribes.
- (Added to NRS by [1987, 1773](#))

NRS 534.290 Project for recharge, storage and recovery of water: Permit for recovery well; recovery limited to designated wells; designation of person entitled to recover water; use or exchange of recovered water.

- 1. A permit for a recovery well must comply with the requirements of this chapter and [chapter 533](#) of NRS.
 - 2. The holder of a permit for a project may recover water stored pursuant to the permit only from wells designated by the holder and approved by the State Engineer, located within the area of hydrologic effect of the project as determined by the State Engineer.
 - 3. The person entitled to recover the water must be designated by the holder of the permit and approved by the State Engineer.
 - 4. The holder of a permit for a project and a permit for a recovery well may use or exchange water recovered pursuant to those permits only in the manner in which it was permissible for him or her to use that water before it was stored.
- (Added to NRS by [1987, 1774](#))

NRS 534.300 Project for recharge, storage and recovery of water: Storage account to be established; limit on amount of water recovered.

- 1. The State Engineer shall establish a storage account for each project for which the State Engineer has issued a permit. If the project stores water from more than one source, the State Engineer shall establish subaccounts for each source of water.
 - 2. The holder of a permit for a project may recover only the recoverable amount of water that is stored by the project.
 - 3. For the purposes of this section, "recoverable amount" means the amount of water, as determined by the State Engineer, that has reached the aquifer and remains within the area of active management.
- (Added to NRS by [1987, 1774](#))

NRS 534.310 Project for recharge, storage and recovery of water: Annual fee for permit; disposition of money received by State Engineer; employment of consultants by State Engineer.

- 1. The State Engineer shall levy and collect an annual fee from each person who holds a permit for a project. The State Engineer shall establish the amount of the fee for the following year not later than October 1 of each year.
- 2. Within 30 days after the State Engineer sets the fee, the State Engineer shall mail written notice of the fee to all holders of permits.
- 3. The fee must be paid to the State Engineer at the time the person holding a permit files an annual report. If a person who is required to pay a fee fails to pay the fee when due, the State Engineer may assess and collect a penalty of 10 percent of the unpaid fee, without compounding, for each month or portion of a month that the fee is delinquent. The total penalty assessed must not exceed 60 percent of the unpaid fee.

4. Money received by the State Engineer pursuant to this section, subsection 1 of [NRS 534.260](#) and subsection 3 of [NRS 534.280](#) must be deposited with the State Treasurer for credit to the Account for Projects for Recharge, Underground Storage and Recovery of Water in the State General Fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Money in the Account must only be used for the administration of this chapter.

5. The State Engineer may employ special consultants to assist the State Engineer in fulfilling his or her responsibilities pursuant to this chapter.

(Added to NRS by [1987, 1774](#); A [1989, 288](#))

NRS 534.320 Project for recharge, storage and recovery of water: Revocation or suspension of permit; orders to cease and desist; injunction.

1. The State Engineer may periodically review a project to determine if the holder of the permit is complying with the terms and conditions of the permit and the public interest is properly guarded. The State Engineer may permanently revoke or temporarily suspend the permit for good cause after an investigation and a hearing. Notice must be sent to the holder of the permit at least 15 days before the hearing, by registered or certified mail, that the holder has failed to comply with this chapter. In determining whether to revoke or suspend a permit, the State Engineer shall consider uses of land and water which were not in existence when the permit was issued.

2. Except as otherwise provided in subsection 3, if the State Engineer has reason to believe that a person is violating or has violated a provision of this chapter or a permit issued or regulation adopted pursuant to this chapter, the State Engineer may issue a written notice that the person must appear and show cause, at a hearing before the State Engineer not less than 15 days after the receipt of the notice, why the person should not be ordered to cease and desist from the violation. The notice must inform the person of the date, time and place of the hearing and the consequences of failure to appear.

3. If the State Engineer finds that a person is constructing or operating a project in violation of this chapter, the State Engineer may issue a temporary order for the person to cease and desist the construction pending final action by the State Engineer pursuant to subsection 4. The order must include written notice to the person of the date, time and place where the person must appear at a hearing before the State Engineer to show cause why the temporary order should be vacated. The hearing must be held not less than 15 days after the date of the order.

4. After a hearing pursuant to subsection 2 or 3, or after the expiration of the time to appear, the State Engineer shall issue a decision and order. The decision and order may take such form as the State Engineer determines to be reasonable and appropriate and may include a determination of violation, an order to cease and desist, the recommendation of a civil penalty and an order directing that positive steps be taken to abate or ameliorate any harm or damage arising from the violation. The person affected may appeal the decision to the district court pursuant to [NRS 533.450](#).

5. If the person continues the violation after the State Engineer has issued a final decision and order pursuant to subsection 4 or a temporary order pursuant to subsection 3, the State Engineer may apply for a temporary restraining order or a preliminary or permanent injunction from the district court. A decision to seek injunctive relief does not preclude other forms of relief or enforcement against the violator.

(Added to NRS by [1987, 1774](#))

NRS 534.330 Project for recharge, storage and recovery of water: Penalties.

1. A person who is determined pursuant to [NRS 534.320](#) to be in violation of this chapter or a permit issued or regulation adopted pursuant to this chapter may be assessed a civil penalty in an amount not exceeding:

- (a) One hundred dollars per day of violation not directly related to illegal recovery or use of stored water; or
- (b) Ten thousand dollars per day of violation directly related to illegal recovery or use of stored water.

2. An action to recover penalties pursuant to this section must be brought by the State Engineer in the district court in the county in which the violation occurred.

(Added to NRS by [1987, 1775](#))

NRS 534.340 Project for recharge, storage and recovery of water: Designation of areas of active management. The State Engineer shall designate areas of active management pursuant to [NRS 534.030](#).

(Added to NRS by [1987, 1776](#))

NRS 534.350 Requirements for certain public water system to receive credits for addition of new customers to system.

1. A public water system may receive credits, as provided in this section, for the addition of new customers to the system. The granting of a credit pursuant to this section must be limited to public water systems in areas:

- (a) Designated as groundwater basins by the State Engineer pursuant to the provisions of [NRS 534.030](#); and
- (b) For which the State Engineer has issued an order for granting a credit pursuant to this section.

2. A public water system which provides service in a groundwater basin is entitled to receive a credit for each customer who is added to the system and:

- (a) Voluntarily ceases to draw water from a domestic well located within that basin; or
- (b) Is the owner of a lot or other parcel of land, other than land used or intended solely for use as a location for a domestic well, which:

- (1) Is located within that basin;
 - (2) Was established as a separate lot or parcel before July 1, 1993;
 - (3) Was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and

(4) Is subject to a written agreement which was voluntarily entered into by the owner with the public water system pursuant to which the owner agrees not to drill a domestic well on the land and the public water system agrees that it will provide water service to the land. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to [chapter 111](#) of NRS.

3. If a county requires, by ordinance, the dedication to the county of a right to appropriate water from a domestic well which is located on a lot or other parcel of land that was established as a separate lot or parcel on or after July 1, 1993, the county may, by relinquishment to the State Engineer, allow the right to appropriate water to revert to the source of the water. The State Engineer shall not accept a relinquishment of a right to appropriate water pursuant to this subsection unless the right is in good standing as determined by the State Engineer. A right to appropriate water that is dedicated and relinquished pursuant to this subsection:

- (a) Remains appurtenant only to the parcel of land in which it is located as specified on the parcel map; and
- (b) Maintains its date of priority established pursuant to [NRS 534.080](#).

4. If an owner of a parcel of land specified in subsection 3 becomes a new customer of a public water system for that parcel of land, the public water system is entitled to receive a credit in the same manner as the addition of any other customer to the public water system pursuant to this section.

5. The State Engineer may require a new customer, who voluntarily ceases to draw water from a domestic well as provided in paragraph (a) of subsection 2 or whose right to appropriate water is dedicated pursuant to subsection 3, to plug that well.

6. A credit granted pursuant to this section:

(a) Must be sufficient to enable the public water system to add one service connection for a single-family dwelling to the system, except that the credit may not exceed the increase in water consumption attributable to the additional service connection or 2 acre-feet per year, whichever is less.

(b) May not be converted to an appropriative water right.

7. This section does not:

(a) Require a public water system to extend its service area.

(b) Authorize any increase in the total amount of groundwater pumped in a groundwater basin.

(c) Affect any rights of an owner of a domestic well who does not voluntarily comply with the provisions of this section.

8. As used in this section:

(a) "Domestic well" means a well used for culinary and household purposes in:

(1) A single-family dwelling; and

(2) An accessory dwelling unit for a single-family dwelling if provided for in an applicable local ordinance, including the watering of a garden, lawn and domestic animals and where the draught does not exceed 2 acre-feet per year.

(b) "Public water system" has the meaning ascribed to it in [NRS 445A.840](#).

(Added to NRS by [1993, 1154](#); A [2007, 847](#); [2011, 505](#))

NRS 534.360 Water Rights Technical Support Account: Creation; administration; uses.

1. There is hereby created in the State General Fund an account designated as the Water Rights Technical Support Account. The Account must be administered by the Board for Financing Water Projects.

2. The Water Rights Technical Support Account is a continuing account without reversion. Money in the Account must be invested as the money in other state accounts is invested. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Claims against the Account must be paid as other claims against the State are paid.

3. The Board for Financing Water Projects may accept gifts, grants and donations from any source for deposit in the Water Rights Technical Support Account.

4. Except as otherwise provided in subsection 5, money in the Water Rights Technical Support Account must be used by the Board for Financing Water Projects only to make grants to a local government to:

(a) Obtain and provide expert and technical assistance to gather data to protect its existing water rights; or

(b) Fund projects to enhance or protect its existing water rights.

5. Any grant of money from the Water Rights Technical Support Account must not be used by a local government to pay for any assistance or projects as set forth in subsection 4 if the only purpose of the assistance or project is to obtain evidence, including, without limitation, technical evidence and oral testimony or to pay for expert witnesses or attorney's fees for or in anticipation of any administrative or judicial proceeding, including, without limitation, hearings before the State Engineer or in any state or federal court.

(Added to NRS by [2005, 2565](#); A [2011, 450](#))