

CHAPTER 534B - DISSOLVED MINERAL RESOURCES

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GENERAL PROVISIONS

NRS 534B.010 Scope of chapter.

1. The provisions of this chapter govern exploration for dissolved mineral resources.
2. Ownership of dissolved mineral resources is determined by the applicable federal and state laws or regulations.
3. Except as expressly provided, nothing in this chapter shall be construed to abrogate the provisions of [chapter 445A](#), [519A](#), [533](#), [534](#) or [534A](#) of NRS.
(Added to NRS by [2017, 3412](#))

NRS 534B.020 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined in [NRS 534B.030](#) to [534B.070](#), inclusive, have the meanings ascribed to them in those sections.
(Added to NRS by [2017, 3412](#))

NRS 534B.030 “Administrator” defined. “Administrator” means the Administrator of the Division of Minerals of the Commission on Mineral Resources.
(Added to NRS by [2017, 3412](#))

NRS 534B.040 “Dissolved mineral resource” defined. “Dissolved mineral resource” means all dissolved or entrained minerals that may be obtained from the naturally occurring liquid or brine in which they are found, including, without limitation, lithium. The term does not include a geothermal resource as defined in [NRS 534A.010](#).
(Added to NRS by [2017, 3412](#))

NRS 534B.050 “Dissolved mineral resource exploration borehole” defined. “Dissolved mineral resource exploration borehole” means a penetration in the ground that is made to sample or obtain water or chemical, geologic, geophysical or geotechnical information about a dissolved mineral resource and which cannot be pumped as a well.
(Added to NRS by [2017, 3412](#))

NRS 534B.060 “Dissolved mineral resource exploration well” defined. “Dissolved mineral resource exploration well” means a well drilled to measure, test or sample water, including, without limitation, pumping tests, to determine whether dissolved mineral resources are present in concentrations and volumes sufficient to justify production.
(Added to NRS by [2017, 3412](#))

NRS 534B.070 “Division” defined. “Division” means the Division of Minerals of the Commission on Mineral Resources.
(Added to NRS by [2017, 3412](#))

EXPLORATION WELLS AND BOREHOLES

NRS 534B.080 Permit to drill dissolved mineral resource exploration well; application; license required to drill exploration well or borehole; water right required.

1. A person may not drill a dissolved mineral resource exploration well without first obtaining a permit from the Administrator and complying with the conditions of the permit.

2. To obtain a permit to drill a dissolved mineral resource exploration well, a person must submit an application for a permit to the Administrator in the form and containing such information as prescribed by the Administrator in accordance with regulations adopted pursuant to this chapter.

3. An application submitted pursuant to subsection 2 must include:

- (a) The location, design and expected depth of the well;
- (b) The materials of construction for the well;
- (c) The status of the land on which the well will be constructed;

(d) A plan for monitoring the well and a plan for plugging and abandoning the well in accordance with any regulations adopted pursuant to this chapter;

(e) A plan for managing any fluids generated as part of testing or sampling, which must include, without limitation, a description of how the fluids will be managed in accordance with the requirements of [chapter 445A](#) of NRS and as required by the Division of Environmental Protection of the State Department of Conservation and Natural Resources; and

(f) Any other reporting, information or analysis necessary to prevent the migration of fluids between aquifers and the degradation of the water quality in accordance with any regulations adopted pursuant to this chapter.

4. In addition to any other requirement of this section, a dissolved mineral resource exploration well or a dissolved mineral resource exploration borehole must be drilled by a person who is licensed to drill wells pursuant to [NRS 534.140](#).

5. The issuance of a permit pursuant to [NRS 534B.090](#) does not authorize a person to produce dissolved mineral resources without a water right.

(Added to NRS by [2017, 3412](#))

NRS 534B.090 Approval or rejection of application for permit; term of permit; hearing; conditions; permit to be posted on Internet.

1. The Administrator shall approve or reject an application for a permit to drill a dissolved mineral resource exploration well within 30 days after the Administrator receives an application in proper form, unless the Administrator determines that the application conflicts with the requirements of [NRS 445A.300](#) to [445A.730](#), inclusive, and any regulations adopted pursuant thereto, or any other laws and regulations administered by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

2. A permit issued pursuant to this section must not be effective for more than 2 years, but may be extended one time by the Administrator for an additional 2 years if he or she determines that the permit complies with the requirements of this chapter and any regulations adopted pursuant thereto.

3. The Administrator and the State Engineer may hold public hearings jointly or separately to gather such evidence or information as they deem necessary for a full understanding of all the rights involved and to properly guard the public interest. The Administrator must notify the applicant, the State Engineer and the Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources in advance of any hearing held pursuant to this section.

4. A permit issued pursuant to this section must include any conditions and reporting requirements deemed necessary by the Administrator.

5. The holder of any permit issued pursuant to this section must comply with the requirements of [NRS 445A.300](#) to [445A.730](#), inclusive, and any regulations adopted pursuant thereto.

6. The Administrator shall post any permit which has been approved pursuant to this section on the Internet website of the Division of Minerals within 5 days after the permit has been approved.

(Added to NRS by [2017, 3413](#))

NRS 534B.100 Application fee; limitation on use.

1. The Commission on Mineral Resources shall, by regulation, establish a fee to be collected by the Division for examining and filing an application for a permit to drill a dissolved mineral exploration well. The fee must not exceed \$1,500.

2. The money collected pursuant to this section:

(a) Must be deposited with the State Treasurer for credit to the Account for the Division of Minerals created in the State General Fund pursuant to [NRS 513.103](#).

(b) May be used only to administer the provisions of this chapter.

(Added to NRS by [2017, 3414](#))

NRS 534B.110 Applicability of procedures for appropriation of water.

1. The appropriation procedures of [chapters 533](#) and [534](#) of NRS do not apply to the reasonable loss of water of not more than 5 acre-feet during the testing and sampling of water pumped within a dissolved mineral resource exploration project.

2. Any water pumped in excess of 5 acre-feet within a dissolved mineral resource exploration project is subject to the appropriation procedures of [chapters 533](#) and [534](#) of NRS. An operator of a dissolved mineral resource exploration project must ensure that the project is in compliance with the appropriation requirements of [chapters 533](#) and [534](#) of NRS before the project exceeds the threshold of 5-acre-feet.

3. As used in this section, "dissolved mineral resource exploration project" means a project, which may consist of one or more dissolved mineral resource exploration wells or boreholes or both, that is conducted on:

(a) Private land owned or controlled by a natural person or an exploration or mining company; or

(b) A mining claim on public land that is identified in an approved notice or plan required pursuant to 43 C.F.R. §§ 3809.300 to 3809.336, inclusive, or 3809.400 to 3809.434, inclusive.

(Added to NRS by [2017, 3413](#))

NRS 534B.120 Regulations. The Commission on Mineral Resources:

1. Shall, in coordination with the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources, adopt regulations to carry out a program for regulating the drilling and operation of dissolved mineral resource exploration wells and dissolved mineral resource exploration boreholes; and

2. May adopt any other regulations necessary to carry out the provisions of this chapter.

(Added to NRS by [2017, 3414](#))

NRS 534B.130 Penalty. Any person who willfully violates any provision of this chapter or any regulation adopted pursuant thereto or an order of the Division issued pursuant to this chapter is subject to a penalty of not more than \$1,000 for each act or violation and for each day that the violation continues.

(Added to NRS by [2017, 3414](#))