PROPOSED REGULATION OF THE

STATE ENGINEER

LCB File No. R027-25

September 3, 2025

EXPLANATION – Matter in ***italics*** is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§ 1-6, NRS 534.020, 534.110, 534.140.

A REGULATION relating to the drilling of wells; providing for the licensure by reciprocity of well drillers under certain circumstances; revising the requirements for an application for a well-drilling license; revising provisions relating to the examination of applicants for licensure as a well driller; revising provisions relating to the grounds for denial of a well-drilling license; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires every well driller to apply annually to the State Engineer for a license to drill. (NRS 534.140) Existing regulations set forth requirements for an application for and examination of an applicant for a well-drilling license. (NAC 534.280, 534.282, 534.288) **Section 1** of this regulation authorizes the State Engineer to issue a well-drilling license by reciprocity to an applicant who: (1) holds a current well-drilling license, in good standing, issued by another state or territory of the United States or the District of Columbia; (2) has held that license for at least 2 years immediately preceding the date of application for reciprocity in the State of Nevada; and (3) demonstrates that the requirements for licensure in the state or territory in which the applicant is currently licensed are substantially similar to or more stringent than the requirements set forth in this State. **Section 1** additionally requires such an applicant to: (1) submit to the Division of Water Resources of the State Department of Conservation and Natural Resources an application and a request for reciprocity; and (2) satisfy the requirements of certain existing regulations. Lastly, **section 1** provides that such an applicant is exempt from the oral examination if the applicant attains a passing score of at least 87 percent on the written examination. **Section 4** of this regulation provides that the Well Drillers' Advisory Board is not required to conduct the oral examination for an applicant that is exempted from taking the oral examination.

Existing regulations require an application for a well-drilling license to be accompanied by evidence that the applicant has at least 2 years of full-time experience acquired during the immediately preceding 5 years and by at least four professional references. (NAC 534.280) **Section 2** of this regulation: (1) removes the requirements that the experience be acquired during the immediately preceding 5 years; and (2) requires that at least three of the required four

references be received and accepted by the Division before the applicant is eligible to take the written examination.

Existing regulations require an applicant to pass a two part examination consisting of a written examination and an oral examination conducted by the Board. As part of the written examination, existing regulations require a test of the applicant's ability to use a standard 7.5 minute topographic map to provide the public land survey description of the location of a well. (NAC 534.282) **Section 3** of this regulation removes the requirement to take the topographic map test.

Section 3 also provides that the State Engineer will deny an applicant a well-drilling license if the applicant fails more than two times to pass the written or oral examination. Lastly, **sections 2, 3, 5 and 6** of this regulation revise references to the two part examination to instead refer to the written and oral examination which an applicant is required to take.

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

1. The State Engineer may issue a well-drilling license by reciprocity to an applicant who:

(a) Holds a current well-drilling license issued by another state or territory of the United States or the District of Columbia and is in good standing with that state or territory;

(b) Has held the license described in paragraph (a) for at least 2 years immediately preceding the date of application for licensure; and

(c) Demonstrates, to the satisfaction of the State Engineer, that the requirements for the issuance of the license in the state or territory in which the applicant holds a current license are substantially similar to or more stringent than the requirements set forth in this chapter.

2. To be granted reciprocity pursuant to this section, an applicant must:

(a) Submit an application to the Division pursuant to NAC 534.280;

(b) Submit a request for reciprocity on a form provided by the Division; and

(c) Satisfy the requirements of NAC 534.282.

3. An applicant for reciprocity will be exempt from taking the oral examination described in subparagraph (2) of paragraph (b) of subsection 1 of NAC 534.282 if the applicant receives

a passing score of at least 87 percent on the written examination described in subparagraph (1) of paragraph (b) of subsection 1 of that section.

Sec. 2. NAC 534.280 is hereby amended to read as follows:

534.280 An application for a well-drilling license must be submitted to the Division. The application:

1. Must:

(a) Be completed and signed by the applicant on a form provided by the Division.

(b) Be accompanied by evidence that the applicant has at least 2 years of full-time experience ***.*** ~~[acquired during the immediately preceding 5 years.]~~ The State Engineer will determine whether such experience is satisfactory and appropriate for the type of license for which the applicant is applying.

(c) Be accompanied by at least four professional references ~~[.]~~ ***, of which not less than three references must be received and accepted by the Division before the applicant is eligible to take the written examination described in subparagraph (1) of paragraph (b) of subsection 1 of NAC 534.282.*** The State Engineer will determine whether such references are satisfactory and appropriate for the type of license for which the applicant is applying.

(d) Include any other information requested by the State Engineer.

(e) Be accompanied by the fee prescribed in NRS 534.140.

2. Is valid for 1 year after the date of submission of the application unless the applicant fails ~~[any part of]~~ the ***written or oral*** examination required pursuant to NAC 534.282 ~~[.]~~ ***, as applicable.***

Sec. 3. NAC 534.282 is hereby amended to read as follows:

534.282 1. An applicant for a well-drilling license must:

(a) Be at least 18 years of age; and

(b) Pass ***:*** ~~[a two-part examination, consisting of the following sections:]~~

(1) A written examination ~~[which includes:~~

~~(I) A written test]~~ consisting of questions on which the applicant must obtain a passing score of at least 80 percent; and

~~[(II) A test of the applicant's ability to use a standard 7.5 minute topographic map from the United States Geological Survey to provide the public land survey description of the location of a well, which will be scored on a pass or fail basis; and]~~

(2) ~~[An]~~ ***Except as otherwise provided in section 1 of this regulation, an*** oral examination conducted by the Board.

2. The State Engineer will deny an applicant a license if the applicant:

(a) Fails to notify the Division at least 3 working days before the scheduled examination date that he or she cannot appear for the examination as instructed by a notice to appear before the State Engineer or the Board;

(b) Reschedules the written or oral examination more than twice; or

(c) Fails ***more than two times*** to pass ~~[any section of]~~ the ***written or oral*** examination described in paragraph (b) of subsection 1 ~~[.]~~ ***; if applicable.***

Sec. 4. NAC 534.288 is hereby amended to read as follows:

534.288 The Board is not required to conduct the oral examination section of the examination for an applicant for a well-drilling license:

1. Who receives a score of less than 80 percent on the written test portion of the written examination;

2. ~~[Who is unable to demonstrate his or her ability to locate a well by public land survey on a topographic map; or~~

~~3.]~~ If the State Engineer finds that the applicant's experience or professional references required pursuant to NAC 534.280 are not satisfactory or appropriate for the type of license for which the applicant is applying ~~[.]~~ ***; or***

3. Who is exempt from taking the oral examination pursuant to section 1 of this regulation.

Sec. 5. NAC 534.293 is hereby amended to read as follows:

534.293 To reinstate a license, a well driller whose license has been:

1. Expired for 1 year or less must:

(a) File a renewal application pursuant to NAC 534.2923 with the renewal fee required by NRS 534.140;

(b) Pass the ~~[examination]~~ ***written and oral examinations*** required by NAC 534.282 or petition the Division in writing for an exemption from the requirement to pass the ~~[examination;]~~ ***examinations;***

(c) Reduce the number of demerit points the well driller has accumulated against his or her license to zero; and

(d) Provide documentation satisfactory to the Division that the well driller has completed the eight credit units of continuing education required pursuant to subsection 3 of NAC 534.2923, unless the well driller receives an exemption or deferral from the Division pursuant to subsection 4 of NAC 534.2927. The eight credit units of continuing education must have been earned:

(1) During the most recent licensing period during which the license of the well driller was active; or

(2) During the time the license of the well driller was expired.

2. Expired for more than 1 year or suspended or revoked must:

(a) File a new application for a well-drilling license with the fee required by NRS 534.140;

(b) Pass the ~~[examination]~~ ***written and oral examinations*** required by NAC 534.282; and

(c) Reduce the number of demerit points the well driller has accumulated against his or her license to zero.

Sec. 6. NAC 534.294 is hereby amended to read as follows:

534.294 1. A well-drilling license authorizes the licensee to drill, plug or rehabilitate the following types of wells:

(a) Water wells; and

(b) Monitoring wells.

2. The State Engineer may issue limited well-drilling licenses that limit a well driller to a class of work or type of drilling rig, or both, for which the Board has determined the driller is qualified.

3. If a well driller wishes to modify the scope of his or her limited well-drilling license, the well driller must:

(a) File a new application for a well-drilling license and submit the required license fee pursuant to NAC 534.280;

(b) Pass the ~~[examination]~~ ***written and oral examinations*** required pursuant to NAC 534.282 or petition the Division in writing for an exemption from the requirement to pass the ~~[examination;]~~ ***examinations;*** and

(c) Reduce the number of demerit points the well driller has accumulated against his or her limited license to zero.