

**REVISED ADOPTED REGULATION
OF THE STATE ENGINEER**

LCB File No. R027-25

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

AUTHORITY: §§ 1-5, NRS 534.020, 534.110 and 534.140.

A REGULATION relating to the drilling of wells; 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 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 1** of this regulation: (1) removes the requirement 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 of Water Resources of the State Department of Conservation and Natural Resources 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 Well Drillers’ Advisory 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 2** of this regulation removes the requirement to take the topographic map test. **Section 3** of this regulation makes a conforming change to remove the provision that the Board is not required to conduct an oral examination for an applicant who fails the topographic map test.

Existing regulation provides that the State Engineer will deny an applicant a well-drilling license if the applicant fails to pass any section of the examination. (NAC 534.282) **Section 2** instead provides that the State Engineer will deny an applicant a well-drilling license if the applicant fails two consecutive times to pass the written or oral examination.

Lastly, **sections 1, 2, 4 and 5** 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. 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 ~~[4]~~, *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.

Sec. 2. 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 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 **two consecutive times** to pass ~~[any section of]~~ the **written or oral** examination described in paragraph (b) of subsection 1.

Sec. 3. 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; **or**

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.

Sec. 4. 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. 5. 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.