

**RECOMMENDATION FOR POSSIBLE CONSIDERATION BY THE
LEGISLATIVE COMMISSION’S SUBCOMMITTEE TO STUDY WATER
DOMESTIC WELL USE IN TIMES OF CURTAILMENT**

The recommendation is to change the current statutory requirement regarding the regulation of water from domestic wells in groundwater basins being regulated by priority. The intent of this recommendation is to protect the health, safety and welfare of homeowners by curtailing **ONLY** outdoor water use. It is proposed that in-house water use **NOT** be curtailed during times of regulation.

The priority of domestic wells is found in NRS 534.080(4):

“(a) 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 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. “

As such, the vast majority of domestic wells drilled in the state are junior-in-time to senior rights in the respective basins. If regulation by priority is ordered, the domestic well use would be among the first to be curtailed.

Under current law, NRS 534.110(6) provides that:

“except as 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.**”

Additionally, curtailment of domestic wells shows up in subsection 7 that provides for designating a groundwater basin as a critical management area:

“...any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin ... and that 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.”

Does the recommendation revise one or more current Nevada Revised Statutes (NRS)? If “Yes,” please provide the reference to the NRS citation(s) affected by the recommendation, if known.

Yes, 534.110(6) and 534.110(7).

Potential draft language:

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

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. [The curtailment of domestic wells only extends to outside water use.](#)

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.

Ê 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](#). [If curtailment is ordered, the curtailment of domestic wells only extends to outside water use.](#)

What group or person is making the recommendation?

Nevada State Engineer Jason King

What is the name and contact information of the person who can provide additional information for the recommendation, if necessary?

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