Question: In Section 77, Page 50, does the new language mean that the State Engineer will grant only one extension of time to work a forfeiture?

Question: In Section 78, Page 52, unless the statute in NRS § 534.120 is intended to grant the State Engineer the discretion to limit the depths of domestic wells anywhere in the state where groundwater is being depleted, we believe that paragraphs (c) and (d) of subsection 3 need to be combined. That is, the State Engineer may limit the depths of domestic wells only in areas where water can be furnished by a water district.

Also in this section, at subsection 4, the State Engineer may revoke a revocable permit only if the distance to the water service is not more than 180 feet. This is inconsistent with the new 1000 foot rule proposed in subsection 5.

Question: In the proposed subsection 5, the State Engineer may limit the depth of a domestic well or prohibit repairs being made to a well…what well? Does this prohibition and requirement to hook up not also include the revocable permit wells? If the intent is to prohibit the deepening of a domestic well and to require domestic well owners to connect to water service within 1000 feet, does this subsection not becomes redundant with subsection 3 (c) and (d)? Is it not sufficiently clear to leave the language as it was and include domestic wells in the requirement of hook up?

As to prohibiting the repairs of a domestic well where water service is within 1000 feet and where the repairs would require the use of a well-drilling rig, please consider the following example:

Grandma Mable Jones has been on a domestic well for many years and has had to endure a reasonable lowering of the static water level due to other groundwater development in the area and discovers, after having the pump lowered in the well a second time, that the well has filled in with fine material over the years and is no longer the depth that it was when it was drilled. The well log reports the well was drilled and cased 180 feet deep and had perforations in the well from 160 to 180 feet but today the well is only 170 feet deep due to infilling. The intake velocity of the groundwater entering the well through the screened interval has now increased as she is still pumping the same 10 gallons per minute through half of the original screen, thereby causing the well to fill with fine material even faster. Of course, now water service is within 1000 feet of the parcel. Given this scenario and the provision in this statute prohibiting the use of a well-drilling rig, this person will not be able to clean out this well to the original depth drilled even though the prohibition is truly on deepening or repairing.

We suggest deleting the language regarding the use of a well-drilling rig and maintain the focus on the prohibition of deepening or re-drilling a domestic or revocable well. Many wells need to be reconditioned or redeveloped with mechanical energy (air
jetting, brushing and surge blocks) and with the use of chemicals due to the clogging and biofouling of well screens and sometimes the well just need to be cleaned out to bottom. Drilling ahead even one foot to 181 feet where water service is available may be prohibited.

We believe the authority of the State Engineer extends to the drilling and deepening of wells throughout Chapter 534, e.g., NRS § 534.050(1), where appropriation permits are required in designated basins before drilling (sink or bore) a well, and where a license is required before engaging in the physical drilling of a well in this state, NRS §§ 534.140 and 534.160. Repairing a well that might need a drill rig is exactly that, repairing what was once there when the well was drilled.

In Nevada, domestic wells are exempt from the provisions of the water law that require a permit. Anywhere in the state where groundwater is needed for culinary and household purposes directly related to a single family dwelling, a person can drill a domestic well with no permit required. The only exception is where water service is adjacent to the lot, according to the State Engineer’s historic interpretation of the statute.

This policy makes sense, of course, as absent this interpretation there would otherwise be anarchy in the middle of a water service area where a person decides they do not wish to be served by the water purveyor and would rather drill an exempt well. However, we do not actually see this prohibition stated in the statute, and NRS § 534.120 is only for designated areas where the groundwater is being depleted. Does this need to be clarified?

Question: In the proposed subsection 7, the domestic well must be plugged if the user is furnished water. When? Section 82 of the proposed bill, on page 55, proposes to amend NRS § 534.180 and maintains the one year requirement. This was the requirement for wells where registration was required. The one year requirement for domestic wells to be plugged where registration was not required is in the regulation in subsection 9 in NAC § 534.315, and this required plugging within one year of receiving a certified notice from the State Engineer. Is your intention clear in this section?

As long as we are on subsection 2 of NRS 534.180, this section of the statute has never been invoked since it was adopted and you may consider deleting it entirely, especially since subsection 3 had referred to such a (registered) well and that section is proposed to be amended. The decision is entirely up to you.

Respectfully submitted,

Thomas K. Gallagher, PE
Manager
Nevada Water Solutions LLC

And State Association Leader
Nevada Groundwater Association