IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

#1320

ORDER

DIRECTING THE INSTALLATION OF TOTALIZING METERS WITH A MINIMUM STANDARD OF ACCURACY AND MONTHLY REPORTING REQUIREMENT OF METER READINGS WITHIN THE DIAMOND VALLEY HYDROGRAPHIC BASIN (10-153), EUREKA COUNTY, NEVADA

WHEREAS, Nevada Revised Statute (NRS) § 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the groundwater basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

WHEREAS, the State Engineer designated the Diamond Valley Hydrographic Basin (Diamond Valley), located within Eureka County, Nevada, as provided under the provisions of NRS 534.030, by the following orders:

1. Order No. 277, dated August 5, 1964, designating a portion of the basin;
2. Order No. 280, dated August 28, 1964, amending the description of the designated area; and
3. Order No. 815, dated April 4, 1983, extending the designated area to encompass the entirety of Diamond Valley.

WHEREAS, pursuant to NRS 534.120, the State Engineer determined the groundwater of the Diamond Valley was being depleted and the following orders were entered, deemed essential for the welfare of the area involved:

1. Order No. 541, dated December 22, 1975, curtailed new appropriations in location-specific areas subject to limited exceptions;
2. Order No. 717, dated July 10, 1978, curtailed new appropriations for irrigation with limited exceptions;
3. Order No. 809, dated December 1, 1982, ordered the installation of totalizing meters on all permitted and certificated wells for irrigation purposes;
4. Order No. 813, dated February 7, 1983, suspended Order No. 809 until May 1, 1984;
5. Order No. 1226, dated March 26, 2013, curtailed all new appropriations with limited exceptions; and
6. Order No. 1292, dated December 8, 2017, directed the installation of totalizing meters for all underground rights with limited exceptions, the quarterly reporting to the State Engineer of monthly meter readings.

WHEREAS, pursuant to NRS 534.110, the State Engineer determined the withdrawals of groundwater continually exceed the perennial yield of the Diamond Valley and by Order No. 1264, dated August 25, 2015, designated Diamond Valley a critical management area.

WHEREAS, the State Engineer finds that it is in the public interest to ensure that the diversions of underground water in the Diamond Valley are within the limits set forth in each water right permit, certificate or other authorization to divert groundwater.

WHEREAS, NRS 534.110 provides that the State Engineer may require periodical statements of water elevations, water used, and acreage upon which water was used from all holders of permits and claimants of vested rights.

WHEREAS, the State Engineer finds that establishing a standard for accuracy of pumping data and requiring meter readings be reported on a monthly basis will provide reliable and timely information to facilitate the monitoring and management of water use within Diamond Valley.

NOW THEREFORE, IT IS HEREBY ORDERED that Order No. 809, dated December 1, 1982, and Order No. 813, dated February 7, 1983, and Order No. 1292, dated December 8, 2017, are herewith **RESCINDED**.

IT IS FURTHER ORDERED that all owners of underground water rights within Diamond Valley without an existing properly installed totalizing meter, with the following listed exceptions, shall install and maintain, in accordance with manufacturer's specifications, a totalizing meter in the discharge pipeline near the point of diversion **within 60 days** of the issuance of this order.

EXCEPTIONS:

1. Those wells drilled for domestic purposes as defined by NRS 534.013. This does not change the requirements for a meter under NRS 534.180(4).
2. Those wells drilled for stockwater purposes, unless otherwise required by the terms of the permit or certificate.

IT IS FURTHER ORDERED that each water right owner who installs a totalizing meter in accordance with this order shall submit a Report of Installation of Totalizing Meter form to the Nevada Division of Water Resources (Division) **within 30 days** of installation. This form must be submitted within 30 days of installation for any new or replacement totalizing meter installed on any well subject to this order.

IT IS FURTHER ORDERED that monthly records shall be kept of the amount of water pumped from each well subject to this order, recorded as meter readings, and the records shall be submitted to the Division **within 7 days after the end of each month**.

IT IS FURTHER ORDERED that:

1. Each water right owner is responsible to ensure that their totalizing meter is installed and maintained in accordance with manufacture's specifications and is accurately

reporting. The meter shall have an accuracy of +/- 10% of flow rate, as determined by the State Engineer.

2. Each water right owner shall correct, within 30 days, totalizing meter failure or deficiencies in metering equipment or installations that cause the meter to fail to meet the requirements of this order. Failure to comply may result in an assessment of fines and penalties against the water right owner pursuant to NRS 534.193.

3. The State Engineer may authorize the temporary estimation of the amount of water pumped during the time period required to repair a non-functional totalizing meter. Estimation of the amount of water pumped must be based upon the number of hours the pump was operated, multiplied by the well discharge diversion rate. This estimation must be submitted to the Division in the form of a sworn affidavit from the water right owner, but is in no way a direct substitute for a totalizing meter installed in the discharge pipeline and required reporting.

4. Each water right owner shall provide access to Division staff without prior notice for reading and inspection, pursuant to NRS 533.0247 and 534.130. The owner may be required to power up a meter to collect a reading if it has been turned off for any reason.

5. A straight section of pipe is required for testing that is at least 10 times the pipe diameter upstream of the meter and 5 times the pipe diameter downstream of the meter. If the existing configuration does not meet these standards a section of pipe may be required to be excavated at the expense of the water right owner to complete this test work.

6. Any tampering with any working totalizing meter, *i.e.*, reprogramming, such that the totalizing meter provides a false measurement is prohibited. If upon inspection, the Division finds discrepancies between the totalizing meter reading and actual discharge from the well, an independent certification of the flow measurement may be required at the expense of the water right owner.

P.E.

ADAM SULLIVAN, P.E.
Acting State Engineer

Dated at Carson City, Nevada this

12th day of February, 2021.