



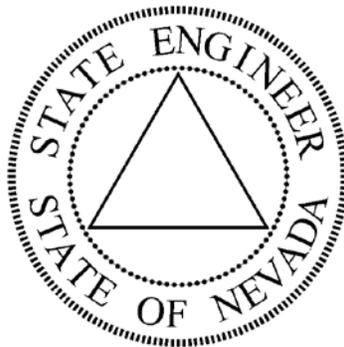
**STATE OF NEVADA**

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

**APPLICATION GUIDE FOR  
A PROJECT TO RECHARGE, STORE AND RECOVER  
WATER UNDERGROUND**

*Revised September, 2013*



State Engineer's Office

Jason King, P.E., State Engineer

**Contents**

Section I. Authority and Purpose ..... 1

Section II. Permit Processing Time Frame..... 2

Section III. Instructions for Completing the Application Form ..... 3

Section IV. Project Tracking ..... 8

Section V. Related Statutes..... 9

APPENDIX. Application Form

## Section I. Authority and Purpose

Projects for the underground recharge, storage and recovery (ASR) of water within the State of Nevada are permitted by the Nevada State Engineer in accordance with the Nevada Revised Statutes (NRS) § 534.250, *et seq.* A permit application form must be completed by the proponent of any new project to recharge, store and recover water underground. Modifications to an existing ASR project may require submittal of an application if the modifications change the area of hydrologic effect, potential impacts, or recoverability of water.

Fees are assessed in accordance with NRS § 534.260(1) and NRS § 534.310(1). The following fee schedule pertains to new permit applications and issued permit annual fees.

Permit Application..... \$ 2,500.00

Annual Fee for Permit..... The State Engineer will establish the amount of the fee for the following year not later than October 1<sup>st</sup> of each year.

This guide provides information on the permit application process and assistance in completing the requisite permit application form. The State Engineer recommends all potential applicants meet with Nevada Division of Water Resources (Division) staff prior to submitting a permit application. The pre-application meeting provides an opportunity to present and discuss proposed projects and to receive guidance from Division staff. Applicants who have identified questions they want to discuss at the meeting should submit their questions prior to the scheduled meeting to allow Division staff to prepare appropriately.

## **Section II. Permit Processing Time Frame**

Time frames for application review and permit processing is set forth in NRS § 534.270, and summarized below:

### **Review of Application**

Within 45 days of receipt of an application, Division personnel will conduct an initial review to determine if the application is complete. If the application is determined to be incomplete, the applicant will be notified and requested to submit the requisite information. After receipt of the complete application, Division personnel will determine whether the application is correct within 180 days. The Division may request additional information from the applicant. The Division may conduct such independent investigations as are necessary to determine whether the application should be approved or rejected.

### **Public Notice of Application**

If the application is determined to be complete and correct, the Division, within 30 days after such determination or a longer period if requested by the applicant, shall cause notice of the application to be given once each week for two (2) consecutive weeks in a newspaper of general circulation in the county or counties in the proposed project locale. Any person who may be adversely affected by the project may file a written protest with the Division within 30 days after the last publication of the notice. Upon receipt of a protest, the Division shall advise the applicant of the filing of the protests.

### **Protests**

Upon receipt of a protest, or upon the decision of the State Engineer, the Division may hold a hearing. Not less than 30 days before the hearing, the Division shall send certified mail notice of the hearing to the applicant and any person who filed a protest.

### **Notice of Decision**

The State Engineer shall either approve or deny each application within 1 year after the final date for filing a protest, unless the State Engineer has received a written request from the applicant to postpone making a decision or, in the case of a protested application, from both the applicant and protestant(s). Action on an application may be delayed in areas where studies of water supplies have been determined to be necessary by the State Engineer pursuant to NRS § 533.368.

### **Judicial Review**

Any person aggrieved by the decision of the State Engineer on an ASR permit may appeal that decision to the district court pursuant to NRS § 533.450.

## Section III. Instructions for Completing the Application Form

Application forms for a project to recharge, store and recover water underground are available from the State Engineer's office or they may be printed from the Division's web site at <http://water.nv.gov/Forms/>. This section provides further explanation of the information required on the application form.

### 1. Project Location

- a) Identify the name and number of the area of active management, administrative groundwater basin or subbasin in which the project will be operated. Groundwater basins or subbasins are delineated by the State Engineer for administration of water rights, and are viewable online at [water.nv.gov/mapping/](http://water.nv.gov/mapping/). An area of active management is a designated administrative groundwater basin or subbasin defined by NRS § 534.011 as an area:
  1. in which the State Engineer is conducting particularly close monitoring and regulation of the water supply because of heavy use of that supply; and
  2. which has received that designation by the State Engineer pursuant to NRS § 534.030.
- b) The legal description of the location of the proposed project must include the township and range, section, and quarter-quarter section, and latitude and longitude of each aquifer recharge site and each aquifer recovery site.
- c) Specify the name and address of all owners of land on which the project will be operated, including both recharge sites and withdrawal sites. Use an attachment sheet if more space is needed for multiple owners and addresses. If the land owner is not the applicant, describe or provide documentation of an agreement to use the land for the proposed project.

### 2. Project Description

- a) A general description of the proposed project shall describe the purpose and scope of the project, and provide information on the planned recharge and recovery facilities including:
  - i. Site map that clearly identifies recharge sites, recovery sites, and other facility design components, and shows prominent geographic features within the project area;
  - ii. Well construction dimensions and specifications as shown on well logs, or as planned for wells that are not yet drilled; and
  - iii. Construction plans and details for surface infiltration facilities.
- b) Describe the plan of operation of the proposed project:

- i. The planned annual amount of recharge, period of recharge, and maximum rate of recharge at each recharge site;
  - ii. The planned annual amount, rate and period of recovery at each recovery site;
  - iii. Expected maintenance requirements; and
  - iv. Planned monitoring approach.
- c) Capacity of the project is the maximum volume of water that the project is designed to recharge, store and withdraw over a defined period of time. This period of time may be an instantaneous maximum, seasonal, annual, life of project, or other duration depending on the needs or design of the project.
- d) Proposed duration of the permit must be consistent with time frames specified in the hydrologic study or studies, monitoring plan, storage accounting and other long-term planning horizons for the proposed project.

### **3. Capability**

- a) The applicant must have the financial capability to construct and operate the proposed project pursuant to NRS § 534.260(6). Provide a statement of financial soundness to complete the project as proposed, accompanied by an estimate of project cost including construction costs and operation and maintenance costs with contingencies. Additional data or explanations of the applicant's financial soundness may be required by the State Engineer.
- b) The applicant must have the technical expertise to design, construct, and operate the proposed project pursuant to NRS § 534.260(6). The applicant may demonstrate this by submitting the name(s), licensure, and resume of the person or persons principally responsible for oversight of construction, operation and maintenance of the project.

### **4. Water Resources**

- a) Identify all permitted, certificated, and decreed rights of water proposed to be recharged. All water rights must be in active standing and not subject to claims of forfeiture or abandonment, and the permitted point of diversion, manner of use and place of use must be consistent with the planned project.
- b) The source of recharge water is the body of water where the point of diversion is located, as specified for all permitted, certificated, and decreed rights of water proposed to be recharged.
- c) The annual quantity of proposed recharge water is the maximum volume of water that may be recharged in accordance with the terms of permitted, certificated, or decreed water rights.

- d) Quality of water proposed to be recharged must meet standards as determined by the Nevada Division of Environmental Protection (NDEP). The recharge water must not degrade the quality of the receiving water. Provide an explanation or attach documentation to characterize the quality of water to be recharged and the quality of the receiving water.

## 5. Hydrologic Study

Proposals for a project to recharge, store and recover water underground must be supported by a study of the aquifer system based on and calibrated to known conditions. The study must consider and support the proposed duration of the permit. Revisions to the study using findings from pilot studies, project monitoring, or other sources of data may be required as a condition of an ASR permit. Findings of the revised study may be used to refine monitoring requirements and/or storage accounting of a permitted ASR project. The purpose of the study per NRS § 534.260(10) is to demonstrate:

- a) The area of hydrologic effect of the project.

The *Area of hydrologic effect* is defined as the surface area of land covering the extent of hydrologic response of water recharged pursuant to a project to recharge (NRS § 534.0115). The extent of hydrologic response must be demonstrated through evaluation of:

- i. Spatial constraints of the aquifer, including extent, depth, and boundary conditions;
- ii. Hydrogeologic characterization of the aquifer system;
- iii. Hydraulic heads, hydraulic gradients and direction of groundwater flow; and
- iv. Groundwater sources and sinks.

- b) That the project is hydrologically feasible.

*Hydrologic Feasibility* is the practicability of implementing a project for recharge, storage and recovery in a specific hydrogeologic setting. Hydrologic feasibility will be evaluated by the Division considering effects on the aquifer, groundwater flow, and impacts to surface waters.

Hydrologic feasibility of aquifer storage through infiltration of water at the ground surface must be supported by an investigation of surface soils and the vadose zone. The investigation must consider intrinsic permeability, depth to groundwater, and the presence, extent and potential effects of subsurface confining layers.

- c) That the project will not cause harm to users of land and water within the area of hydrologic effect.

In the analysis of the potential for the project to cause harm to users of land and water within the area of hydrologic effect, the study must consider impacts to existing wells, water rights, hydraulic heads, and surface discharge. The applicant may be required to provide the following:

- i. An inventory of wells within the area of hydrologic effect that will be impacted by project operations. Determination of what constitutes impact shall be determined through consultation with Division staff in consideration of site characteristics. The well inventory must include at a minimum site coordinates and well logs.
- ii. An inventory of structures or facilities constructed below ground surface that may be impacted by project operations. Determination of what constitutes impact shall be determined through consultation with Division staff in consideration of site characteristics. Wells are not included in this structure inventory.
- iii. Inventory of surface water bodies that may be impacted by project operations.
- iv. Description of methods and sources of data to compile inventories of wells and structures.
- v. Explanation of how potential impacts of the proposed project will be avoided or mitigated.

- d) The percentage of recoverable water.

The recoverable amount of water in any project to recharge, store and recover water underground shall be determined based on aquifer response to the recharge, storage and recovery project. The amount of recoverable water will depend on aquifer characteristics, project facilities and operations, duration and amount of storage, and other factors within the area of hydrologic effect. In considering the percentage of recoverable water for a proposed project, the study should evaluate:

- i. The change in amount of water in storage over time in the aquifer in the area of hydrologic effect due to the proposed project;
- ii. Comparisons of the water in storage relative to base case scenarios where no recharge, storage and recovery occur;
- iii. Changes in the groundwater budget within the area of hydrologic effect;
- iv. Losses to evaporation, transpiration, and aquifer retention;
- v. Surface water interaction;
- vi. The volume of proposed storage water that would naturally recharge the aquifer regardless of the project;
- vii. The total volume of water that can be stored in the receiving aquifer;
- viii. How the percentage of recoverable water changes with the amount stored; and
- ix. Water quality.

## 6. Additional Supporting Information

Specify other components of the project application that are not described in Items 1 through 5. Elements of a proposed project that require additional supporting information may be developed through pre-application consultation with the Division. Considerations may include the following items.

### a) Draft Monitoring Plan

Operations and effects of an ASR project shall be monitored and documented by the permit holder. Baseline data shall be collected prior to recharge implementation. All monitoring metrics, methods and frequencies shall be determined for the purpose of identifying and quantifying area of hydrologic effect, continued hydrologic feasibility, impacts to users of land and water, and recoverability of stored water.

### b) Pilot Studies

Prior to issuing an ASR permit or as a condition of an ASR permit, a pilot study may be required by the State Engineer if suitable data and/or modeling are not sufficient to estimate hydrologic effects, hydrologic feasibility, impacts to others and recoverability of stored water, as determined by the State Engineer. Findings of the pilot study may be used to develop or to modify the monitoring plan or storage accounting.

## Section IV. Project Tracking

### 1. Annual Report

Any person who holds a permit for a project to recharge, store and recover water underground in Nevada must file an annual report with the State Engineer in accordance with NRS § 534.280. The report must be based on a calendar year. The contents of the annual report must contain at a minimum:

- a) Volume, rate, and timing of injection or infiltration at each recharge site on a monthly basis;
- b) Volume, rate, and timing of recovery at each withdrawal site on a monthly basis; and
- c) Data and results of all monitoring metrics determined in accordance with NRS § 534.250(5).

### 2. Storage Accounts

Storage accounts will be established and maintained by the Division in accordance with NRS § 534.300. The purpose of the storage account is to accurately quantify the volume of water that is recharged, recovered and stored under the project. Storage accounts will document monthly volumes of water stored and recovered under the project, and quantify the total amount that is available for recovery at the end of each month.

Storage accounting methods for a new project will be determined by the Division based on the best available data. Storage accounting methods for an existing project may be modified to meet changes in the determined percentage of recoverable water based on results of a pilot study, findings of the monitoring plan or other information available to the Division, in consultation with the project owner and operator.

### 3. Permit Modifications

Modifications to permit terms for an existing project may be requested by the permit holder to meet the needs of the project. Modifications may be subject to application requirements for a new project if the modifications change the area of hydrologic effect, potential impacts, or recoverability of water.

The State Engineer may modify permit terms, monitoring requirements, or storage accounting in accordance with NRS § 534.250(6). The State Engineer may revoke or suspend a permit after an investigation and hearing in accordance with NRS § 534.250.

## Section V. Related Statutes

**NRS 534.0105 “Aquifer” defined.** “Aquifer” means a geological formation or structure that stores or transmits water, or both.

**NRS 534.011 “Area of active management” defined.** “Area of active management” means an area:

1. In which the State Engineer is conducting particularly close monitoring and regulation of the water supply because of heavy use of that supply; and
2. Which has received that designation by the State Engineer pursuant to [NRS 534.030](#).

**NRS 534.0115 “Area of hydrologic effect” defined.** “Area of hydrologic effect” means the surface area of land covering the extent of hydrologic response of water recharged pursuant to a project to recharge.

**NRS 534.0155 “Storage account” defined.** “Storage account” means an account established pursuant to [NRS 534.300](#) for a project for underground storage and recovery.

**NRS 534.016 “Stored water” defined.** “Stored water” means water which has been stored underground for the purpose of recovery pursuant to a permit issued pursuant to [NRS 534.250](#).

**NRS 534.250 Project for recharge, storage and recovery of water: Permit required; issuance, contents, modification and assignment of permit; monitoring requirements.**

1. Any person desiring to operate a project must first make an application to, and obtain from, the State Engineer a permit to operate such a project.
2. The State Engineer shall, upon application, issue a permit to operate a project if the State Engineer determines that:
3. The applicant has the technical and financial capability to construct and operate a project.
4. The applicant has a right to use the proposed source of water for recharge pursuant to an approved appropriation consistent with this chapter and chapter 533 of NRS. Any determination made by the State Engineer for purposes of this paragraph is not binding in any other proceeding.
5. The project is hydrologically feasible.
6. If the project is in an area of active management, the project is consistent with the program of augmentation for that area.
7. The project will not cause harm to users of land or other water within the area of hydrologic effect of the project.
8. The holder of a permit may apply to the State Engineer for approval to assign the permit to another person. The State Engineer must approve the assignment if the person to whom the permit is to be assigned will meet the requirements of paragraphs (a) and (b) of subsection 2 when the assignment is completed.
9. A permit for a project must include:
  - (a) The name and mailing address of the person to whom the permit is issued.
  - (b) The name of the area of active management, groundwater basin or groundwater sub-basin, as applicable, in which the project will be located.
  - (c) The capacity and plan of operation of the project.
  - (d) Any monitoring program required pursuant to subsection 5.

- (e) Any conditions which are imposed pursuant to this chapter or any regulation adopted pursuant thereto.
  - (f) Any other information which the State Engineer deems necessary to include.
10. The State Engineer shall require the holder of a permit to monitor the operation of the project and the effect of the project on users of land and other water within the area of hydrologic effect of the project. In determining any monitoring requirements, the State Engineer shall cooperate with all government entities which regulate or monitor, or both, the quality of water.
  11. The State Engineer, on his or her initiative or at the request of the holder of the permit, may modify the conditions of the permit if monitoring demonstrates that modifications are necessary. In determining whether modifications are necessary, the State Engineer shall consider uses of land or water which were not in existence when the permit was issued.

**NRS 534.260 Project for recharge, storage and recovery of water: Contents of application for permit.** The State Engineer shall prescribe and furnish guidelines for an application for a permit for a project. The application must include:

1. A fee for application of \$2,500;
2. The name and mailing address of the applicant;
3. The name of the area of active management, groundwater basin or groundwater sub-basin, as applicable, in which the applicant proposes to operate the project;
4. The name and mailing address of the owner of the land on which the applicant proposes to operate the project;
5. The legal description of the location of the proposed project;
6. Such evidence of financial and technical capability as the State Engineer requires;
7. The source, quality and annual quantity of water proposed to be recharged, and the quality of the receiving water;
8. The legal basis for acquiring and using the water proposed to be recharged;
9. A description of the proposed project including its capacity and plan of operation;
10. A copy of a study that demonstrates:
  - (a) The area of hydrologic effect of the project;
  - (b) That the project is hydrologically feasible;
  - (c) That the project will not cause harm to users of land and water within the area of hydrologic effect; and
  - (d) The percentage of recoverable water;
11. The proposed duration of the permit; and
12. Any other information which the State Engineer requires.

**NRS 534.270 Project for recharge, storage and recovery of water: Review of application for permit; notice of application; protests; hearing; determination; judicial review.**

1. Upon receipt of an application for a permit to operate a project, the State Engineer shall endorse on the application the date it was received and keep a record of the application. The State Engineer shall conduct an initial review of the application within 45 days after receipt of the application. If the State Engineer determines in the initial review that the application is incomplete, the State Engineer shall notify the applicant. The application is incomplete until the applicant files all the information requested in the application. The State Engineer shall determine whether the application is correct within 180 days after receipt of a complete application. The State Engineer may request additional information from the applicant. The State Engineer may conduct such independent investigations as are necessary to determine whether the application should be approved or rejected.

2. If the application is determined to be complete and correct, the State Engineer, within 30 days after such a determination or a longer period if requested by the applicant, shall cause notice of the application to be given once each week for 2 consecutive weeks in a newspaper of general circulation in the county or counties in which persons reside who could reasonably be expected to be affected by the project. The notice must state:
  - (a) The legal description of the location of the proposed project;
  - (b) A brief description of the proposed project including its capacity;
  - (c) That any person who may be adversely affected by the project may file a written protest with the State Engineer within 30 days after the last publication of the notice;
  - (d) The date of the last publication;
  - (e) That the grounds for protesting the project are limited to whether the project would be in compliance with subsection 2 of NRS 534.250;
  - (f) The name of the applicant; and
  - (g) That a protest must:
    - (1) State the name and mailing address of the protester;
    - (2) Clearly set forth the reason why the permit should not be issued; and
    - (3) Be signed by the protester or the protester's agent or attorney or, if the protester is a government, governmental agency or political subdivision of a government, be approved and signed in the manner specified in paragraph (g) of subsection 3.
  
3. A protest to a proposed project:
  - (a) May be made by any person who may be adversely affected by the project;
  - (b) Must be in writing;
  - (c) Must be filed with the State Engineer within 30 days after the last publication of the notice;
  - (d) Must be upon a ground listed in subsection 2 of NRS 534.250;
  - (e) Must state the name and mailing address of the protester;
  - (f) Must clearly set forth the reason why the permit should not be issued; and
  - (g) Except as otherwise provided in this paragraph, must be signed by the protester or the protester's agent or attorney. If the protester is a government, governmental agency or political subdivision of a government, the protest must be:
    - (1) Except as otherwise provided in subparagraph (2), approved and signed by the director, administrator, chief, head or other person in charge of the government, governmental agency or political subdivision; or
    - (2) If the governmental agency or political subdivision is a division or other part of a department, approved and signed by the director or other person in charge of that department in this State, including, without limitation:
      - (I) The Regional Forester for the Intermountain Region, if the protest is filed by the United States Forest Service;
      - (II) The State Director of the Nevada State Office of the Bureau of Land Management, if the protest is filed by the Bureau of Land Management;
      - (III) The Regional Director of the Pacific Southwest Region, if the protest is filed by the United States Fish and Wildlife Service;
      - (IV) The Regional Director of the Pacific West Region, if the protest is filed by the National Park Service;
      - (V) The Director of the State Department of Conservation and Natural Resources, if the protest is filed by any division of that Department; or
      - (VI) The chair of the board of county commissioners, if the protest is filed by a county.

4. Upon receipt of a protest, the State Engineer shall advise the applicant by certified mail that a protest has been filed.
5. Upon receipt of a protest, or upon the motion of the State Engineer, the State Engineer may hold a hearing. Not less than 30 days before the hearing, the State Engineer shall send by certified mail notice of the hearing to the applicant and any person who filed a protest.
6. The State Engineer shall either approve or deny each application within 1 year after the final date for filing a protest, unless the State Engineer has received a written request from the applicant to postpone making a decision or, in the case of a protested application, from both the protester and the applicant. The State Engineer may delay action on the application pursuant to paragraph (d) of subsection 4 of NRS 533.370.
7. Any person aggrieved by any decision of the State Engineer made pursuant to subsection 6 may appeal that decision to the district court pursuant to NRS 533.450.

**NRS 534.280 Project for recharge, storage and recovery of water: Annual report to State Engineer.**

1. Any person who holds a permit for a project must compile and file with the State Engineer annual reports which define the operation of the project and provide such information as the State Engineer requires.
2. Each report must contain either a sworn statement or a certification, under penalty of perjury, that the information contained in the report is true and correct according to the best belief and knowledge of the person filing the report.
3. The annual report must be maintained on a calendar-year basis for the preceding calendar year. If a person who is required to file an annual report under this section fails to file a report when due, the State Engineer may assess and collect a penalty of \$500 for each month or portion of a month that the annual report is delinquent. The total penalty assessed under this subsection must not exceed \$5,000.
4. The records and reports required to be kept and filed pursuant to this section must be in such form as the State Engineer prescribes.

**NRS 534.290 Project for recharge, storage and recovery of water: Permit for recovery well; recovery limited to designated wells; designation of person entitled to recover water; use or exchange of recovered water.**

5. A permit for a recovery well must comply with the requirements of this chapter and chapter 533 of NRS.
6. The holder of a permit for a project may recover water stored pursuant to the permit only from wells designated by the holder and approved by the State Engineer, located within the area of hydrologic effect of the project as determined by the State Engineer.
7. The person entitled to recover the water must be designated by the holder of the permit and approved by the State Engineer.
8. The holder of a permit for a project and a permit for a recovery well may use or exchange water recovered pursuant to those permits only in the manner in which it was permissible for him or her to use that water before it was stored.

**NRS 534.300 Project for recharge, storage and recovery of water: Storage account to be established; limit on amount of water recovered.**

9. The State Engineer shall establish a storage account for each project for which the State Engineer has issued a permit. If the project stores water from more than one source, the State Engineer shall establish subaccounts for each source of water.
10. The holder of a permit for a project may recover only the recoverable amount of water that is stored by the project.
11. For the purposes of this section, “recoverable amount” means the amount of water, as determined by the State Engineer, that has reached the aquifer and remains within the area of active management.

**NRS 534.310 Project for recharge, storage and recovery of water: Annual fee for permit; disposition of money received by State Engineer; employment of consultants by State Engineer.**

12. The State Engineer shall levy and collect an annual fee from each person who holds a permit for a project. The State Engineer shall establish the amount of the fee for the following year not later than October 1 of each year.
13. Within 30 days after the State Engineer sets the fee, the State Engineer shall mail written notice of the fee to all holders of permits.
14. The fee must be paid to the State Engineer at the time the person holding a permit files an annual report. If a person who is required to pay a fee fails to pay the fee when due, the State Engineer may assess and collect a penalty of 10 percent of the unpaid fee, without compounding, for each month or portion of a month that the fee is delinquent. The total penalty assessed must not exceed 60 percent of the unpaid fee.
15. Money received by the State Engineer pursuant to this section, subsection 1 of NRS 534.260 and subsection 3 of NRS 534.280 must be deposited with the State Treasurer for credit to the Account for Projects for Recharge, Underground Storage and Recovery of Water in the State General Fund. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account. Money in the Account must only be used for the administration of this chapter.
16. The State Engineer may employ special consultants to assist the State Engineer in fulfilling his or her responsibilities pursuant to this chapter.

**NRS 534.320 Project for recharge, storage and recovery of water: Revocation or suspension of permit; orders to cease and desist; injunction.**

1. The State Engineer may periodically review a project to determine if the holder of the permit is complying with the terms and conditions of the permit and the public interest is properly guarded. The State Engineer may permanently revoke or temporarily suspend the permit for good cause after an investigation and a hearing. Notice must be sent to the holder of the permit at least 15 days before the hearing, by registered or certified mail, that the holder has failed to comply with this chapter. In determining whether to revoke or suspend a permit, the State Engineer shall consider uses of land and water which were not in existence when the permit was issued.
2. Except as otherwise provided in subsection 3, if the State Engineer has reason to believe that a person is violating or has violated a provision of this chapter or a permit issued or regulation adopted pursuant to this chapter, the State Engineer may issue a written notice that the person must appear and show cause, at a hearing before the State Engineer not less than 15 days after the receipt of the notice, why the person should not be ordered to cease and desist from the violation. The notice must inform the person of the date, time and place of the hearing and the consequences of failure to appear.

3. If the State Engineer finds that a person is constructing or operating a project in violation of this chapter, the State Engineer may issue a temporary order for the person to cease and desist the construction pending final action by the State Engineer pursuant to subsection 4. The order must include written notice to the person of the date, time and place where the person must appear at a hearing before the State Engineer to show cause why the temporary order should be vacated. The hearing must be held not less than 15 days after the date of the order.
4. After a hearing pursuant to subsection 2 or 3, or after the expiration of the time to appear, the State Engineer shall issue a decision and order. The decision and order may take such form as the State Engineer determines to be reasonable and appropriate and may include a determination of violation, an order to cease and desist, the recommendation of a civil penalty and an order directing that positive steps be taken to abate or ameliorate any harm or damage arising from the violation. The person affected may appeal the decision to the district court pursuant to NRS 533.450.
2. If the person continues the violation after the State Engineer has issued a final decision and order pursuant to subsection 4 or a temporary order pursuant to subsection 3, the State Engineer may apply for a temporary restraining order or a preliminary or permanent injunction from the district court. A decision to seek injunctive relief does not preclude other forms of relief or enforcement against the violator.

**NRS 534.330 Project for recharge, storage and recovery of water: Penalties.**

1. A person who is determined pursuant to NRS 534.320 to be in violation of this chapter or a permit issued or regulation adopted pursuant to this chapter may be assessed a civil penalty in an amount not exceeding:
  - (a) One hundred dollars per day of violation not directly related to illegal recovery or use of stored water; or
  - (b) Ten thousand dollars per day of violation directly related to illegal recovery or use of stored water.
2. An action to recover penalties pursuant to this section must be brought by the State Engineer in the district court in the county in which the violation occurred.

**NRS 534.340 Project for recharge, storage and recovery of water: Designation of areas of active management.** The State Engineer shall designate areas of active management pursuant to NRS 534.030.

## **APPENDIX. Application Form**

Application No. \_\_\_\_\_

**APPLICATION FOR PERMIT TO ESTABLISH AND OPERATE  
A PROJECT TO RECHARGE, STORE AND RECOVER WATER UNDERGROUND**

**THIS SPACE FOR OFFICE USE ONLY**

Date of Filing in State Engineer's Office \_\_\_\_\_

Return to applicant for correction \_\_\_\_\_

Corrected Application filed \_\_\_\_\_ Map filed \_\_\_\_\_

The applicant \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_  
Street Address or P.O. Box City of Town

\_\_\_\_\_ hereby make(s) application to establish and operate a project to  
State and ZIP Code

recharge, store and recover water underground. (If applicant is a corporation, give date and place of incorporation; if a co-partnership or association, give names of members.)

For all items below, attach additional sheets or supporting documentation as needed.

**1. Project Location**

a) Area of Active Management, Groundwater Basin or Subbasin in which the project will be operated:

b) Legal Description of the location of the proposed project:

c) Name and address of the owner of the land on which the project will be operated:

## 2. Project Description

a) General description of project and proposed works: \_\_\_\_\_

b) Plan of operation: \_\_\_\_\_

c) Capacity: \_\_\_\_\_

d) Proposed duration of the permit: \_\_\_\_\_

## 3. Capability

a) Financial: \_\_\_\_\_

b) Technical: \_\_\_\_\_

## 4. Water Resources

a) Legal basis for acquiring and using the water proposed to be recharged: \_\_\_\_\_

b) Source of water proposed to be recharged: \_\_\_\_\_

c) Annual quantity of water proposed to be recharged: \_\_\_\_\_

d) Quality of the water proposed to be recharged and quality of the receiving water: \_\_\_\_\_

5. Hydrologic Study: \_\_\_\_\_

6. Additional Supporting Information: \_\_\_\_\_

_____		_____
Email address		Type or print name clearly
_____		_____
Phone No.                      Ext.		Signature, applicant or agent
_____		_____
_____		Company Name
_____		_____
APPLICATION MUST BE SIGNED BY THE APPLICANT OR AGENT		Street address or P.O. Box
_____		_____
_____		City, State, ZIP Code

**\$2,500 FILING FEE MUST ACCOMPANY THIS APPLICATION**