



NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Adoption of Temporary Regulations of the Nevada Division of Water Resources

The Nevada Division of Water Resources (NDWR) will hold a public hearing to receive comments from all interested persons regarding the adoption of temporary regulations that pertain to Chapter 534 of the Nevada Administrative Code.

Date: March 12, 2025

Time: 9:00 am

Location: Nevada Division of Resources
Bryan Building, Bonnie Conference Room
901 S. Stewart St.
Carson City, NV 89701

Virtual: Click or type the shortcode to access the meeting:

Link: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 253 591 280 737

Passcode: 39u2Fi7Z

Or call in (audio only): (775) 321-6111

Phone Conference ID: 776 272 904#

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment.

In response to Governor Lombardo's Executive Order 2023-004, requiring a review of current regulatory requirements for occupational licensing, the Nevada Division of Water Resources (NDWR), in cooperation with the Well Driller's Advisory Board, identified recommended revisions to existing licensing regulations and a pathway to licensure reciprocity. These revisions intend to revise onerous regulatory barriers without compromise to the standards of qualifications for issuing well drilling licenses.

2. If the proposed regulation is a temporary regulation, the terms or the substance of the proposed regulation to be adopted, amended or repealed, or a description of the subjects and issues involved.

The temporary regulations relating to well drillers include the following changes:

- Removing the requirement that qualifying well drilled experience must be acquired within the five years immediately preceding an application submission.

- Reducing the number of professional references required to be accepted from four to three but they must be accepted prior to being eligible to take the written examination.
- Removing the pass/fail testing requirement for applicants to correctly identify a location on a map by providing the public land survey description.
- Adds a new provision to establish a pathway for licensed well drillers from other states to apply for reciprocity from other states and become licensed in Nevada.

3. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately and in each case must include:

a. Both adverse and beneficial effects; and

- **On business:** Testing for licensure will be more streamlined and NDWR’s scheduling will be clarified resulting in a benefit to businesses and employees seeking licensure. Reciprocity may invite more competition into the state, but businesses may also benefit from the ability to attract skilled workers. Those well drillers who already possess the necessary skills and expertise can get to work more easily in Nevada with less regulatory barriers.
- **On the public:** NDWR does not anticipate any impact to the public resulting from these regulations.

b. Both immediate and long-term effects.

- **On business:** NDWR anticipates seeing immediate impacts from a clearer licensing process, with fewer onerous barriers, preventing avoidable delays in scheduling and licensing. Long-term, NDWR does not anticipate any effect to the standards of licensed well drillers.
- **On the public:** NDWR does not anticipate any effect to the public resulting from these regulations.

4. The methods used by the agency in determining the impact on a small business.

A Small Business Impact Questionnaire was sent on December 12, 2024, to all licensed Nevada well drillers or to the owners of well drilling businesses that operate in the State. The Division received six responses to the questionnaire; however, one of those responses indicated they employed more than 150 employees and therefore did not qualify as a small business for the purpose of the questionnaire.

Supportive responses suggested the proposed regulations would hopefully make hiring licensed well drillers easier. Comments in opposition generally stated that no part of the licensing process should be made “easier”; that if you earn a license in Nevada, a driller has demonstrated the knowledge, skill, and abilities needed to drill in this state. There was concern that drillers issued a licensed by reciprocity would not be as familiar with the requirements to drill in Nevada and that out-of-state contractors could take jobs away from in-state drillers or for there to be new business competition in the state. The Division utilized the responses from the questionnaire, analyzed processes that result in delays to scheduling applicants for testing, and reviewed data from recent testing scores to assess impacts of the proposed regulations on small businesses.

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5. The estimated cost to the agency for enforcement of the proposed regulation.

NDWR does not anticipate incurring any additional cost resulting from the temporary regulation.

- 6. A description of and citation to any regulations of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the regulating federal agency.**

The temporary regulation does not overlap or duplicate any existing regulation.

- 7. If the regulation is required pursuant to federal law, a citation and description of the federal law.**

The temporary regulation is not required by federal law.

- 8. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

The temporary regulation is not more stringent than federal regulation.

- 9. Whether the proposed regulation establishes a new fee or increases an existing fee.**

The temporary regulation does not create any new fees or increase an existing fee.

- 10. If the proposed regulation is a temporary regulation, each address at which the text of the regulation may be inspected and copied.**

NDWR Headquarters, 901 S. Stewart Street, Carson City, NV 89701

NDWR Winnemucca, 705 E. 4th Street, Suite C, Winnemucca, NV 89445

NDWR Elko Office, 1250 Lamoille Hwy, Suite 1047, Elko, NV 89801

NDWR Southern Nevada Branch Office, 400 Shadow Ln., Suite 201, Las Vegas, NV 89106

Persons wishing to comment upon the proposed action of Nevada Division of Water Resources may appear at the scheduled public hearing or may address their comments, data, views or arguments, in written form, by emailing cwalling@water.nv.gov or by mailing to the following address: Nevada Division of Water Resources, 901 S. Stewart Street Ste. 2002, Carson City, NV 89701. **Written submissions must be received by the Nevada Division of Water Resources on or before February 28, 2025.** If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Division may proceed immediately to act upon any written submissions.

A copy of this notice and the temporary regulation will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours.

Additional copies of the notice and the temporary regulation will be available at each Division office location detailed in the notice below and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and

published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed temporary regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the Nevada Division of Water Resources, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

Nevada Division of Water Resources website

<https://water.nv.gov/index.php/bulletinboard/regulations/>

Nevada State Legislature website www.leg.state.nv.us/App/Notice/A/

Nevada Public Notice website <http://notice.nv.gov>

State of Nevada Campus, 1 State of Nevada Way, Las Vegas, NV 89119

Nevada State Legislature, 401 S. Carson St., Carson City, NV 89701

Nevada State Library and Archives, 100 N. Stewart St, Carson City, NV 89701

NDWR Headquarters, 901 S. Stewart Street, Carson City, NV 89701

NDWR Elko Office, 1250 Lamoille Hwy, Suite 1047, Elko, NV, 89801

NDWR Winnemucca, 705 E. 4th Street, Suite C, Winnemucca, NV 89445

NDWR Southern Nevada Branch Office, 400 Shadow Lane, Suite 201, Las Vegas, NV 89106

Carson City Library, 900 North Roop Street, Carson City, NV 89501

Churchill County Library, 553 South Maine Street, Fallon, NV 89406

Clark County Library, 1401 E. Flamingo Road, Las Vegas, NV 89119

Douglas County Library, 1625 Library Lane, Minden, NV 89423

Elko County Library, 720 Court Street, Elko, NV 89801

Esmeralda County Library, Crook Avenue & 4th Street, Goldfield, NV 89013

Eureka County Library, 10190 Monroe Street, Eureka, NV 89316

Humboldt County Library, 85 Est 5th Street, Winnemucca, NV 89445

Lander County Library, 625 South Broad Steet, Battle Mountain, NV 89820

Lincoln County Library, 63 Main Street, Pioche, NV 89043

Lyon County Library, 20 Nevin Way, Yerington, NV 89447

Mineral County Library, 110 1st Street, PO Box 1390, Hawthorne, NV 89415

Nye County Library, 701 East Street, Pahrump, NV 89048

Pershing County Library, 1125 Central Avenue, PO Box 781, Lovelock, NV 89419

Storey County Library, 175 Carson Street, Virginia City, NV 89440

Washoe County Library, 301 S. Center Street, Reno, NV 89501

White Pine County Library, 950 Campton Street, Ely, NV 89301

Posted on: February 10, 2025