



NEVADA
DIVISION OF
WATER
RESOURCES

January 2024

ANNUAL NEWSLETTER TO NEVADA'S LICENSED STATE WATER RIGHT SURVEYORS



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Message From Adam Sullivan, State Engineer

Happy New Year!

Much of 2023 at NDWR was driven by the legislative session and its resulting outcomes. Seven out of approximately 20 water bills were signed into law and the Division was successful in securing approval for 10 new positions, which we started to fill in October. Additionally, substantial new investments were secured for digital record-keeping and updating baseline water budget science through the Nevada Water Initiative.

This newsletter contains a recap of recently enacted water laws and how they may affect you. Additionally, it provides summaries of ongoing efforts to meet the Division's duty to adhere to state law, preserve water right records, and use the best available information in decision-making processes.

Important progress was made in 2023 to address persistent challenges to meet the diverse needs and demands of the population. I am optimistic about further progress in the coming year.

Thank you to all licensed water right surveyors for your accurate and high-quality work to support Nevada's water users. Your ability to adapt to the evolving challenges in administering water law is truly appreciated.

Best Regards,

Adam Sullivan, P.E.



Water Right Surveyor License Renewals

If your annual renewal is not received on or before the June 30th deadline, your license will expire and you will be required to submit a renewal form with a \$50.00 filing fee for reissuance of your license. New references are not required if your renewal application is received prior to September 30th. After September 30th, it will be necessary to file a new application with references. After your three references respond, you will be issued a new Water Right Surveyor number.

Water Resource Bills Enacted in 2023

Tribal Eligibilities (Assembly Bill 19—NRS 533.080 and NRS 532.230)

Representatives of federally recognized tribal governments may now be licensed as a Water Right Surveyor without a PE or PLS license for work performed on Tribal lands. This is similar to the provision for officers and employees of the Federal Government. Tribes are also now eligible for Channel Clearance and Maintenance funding.

Publication Notices (Assembly Bill 34—NRS 533.360; NRS 533.100; NRS 533.405)

Notices of applications in newspapers no longer need to be published in consecutive weeks. Therefore, if there is an issue with a single posting the notice will not be required to be republished. The Division is also required to post notice of applications on the Division's webpage, now available at: <http://water.nv.gov/monthlyreportsummary.aspx>. References to "mylar" and "tracing linen" map material have been removed from statute to allow for the ability submission of digital maps in the future. This does not mean that paper maps may be filed in lieu of Mylar or similar material, and the Guidelines and Rules for The Preparation of Water Right Maps still apply.

Replacement Wells on Public Land (Assembly Bill 91—NRS 534.065)

A well on public lands may be redrilled within 300 feet of the original point of diversion without a change application under certain conditions. (NRS 534.065) Please note that this only applies to replacement wells.

Water Conservation Plans Exemption for Small Entities (AB 191—NRS 540.121)

Suppliers of water with fewer than 15 connections do not need to submit a plan of water conservation.

Critical Management Areas (Senate Bill 113—NRS 534.037 and NRS 534.110)

To approve a groundwater management plan in a CMA, a petition must be signed by the permit holders who represent a majority of water appropriated in the basin, rather than by a majority of all permit holders. Additionally, senior groundwater right holders may opt out of the plan.

Temporary Change Applications for Renewable Energy Projects (Senate Bill 258—NRS 533.345)

Applications for up to three years for renewable energy projects will still be published like normal change applications. When filing, use the normal application to change form and describe the intent under the project description (See Form 1002). Do not use the temporary change form (Form 1003) or modify existing forms.

Water Conservation, Revocable Permits, and Domestic Wells in Clark County (Assembly Bill 220)

This omnibus water bill covers many aspects of water conservation in the Las Vegas area, including limitations on new wells and revocable permits where water can be furnished by a public entity such as a water district or municipality. The Division will not issue a temporary revocable permit to a property that is within 1,250 feet of a waterline that can furnish water, and domestic wells can only be drilled where water cannot be furnished by a public entity. The bill also added emergency fire suppression to the short list of water uses that are exempt from requiring a water right.

Submission of Digital Maps

The Division is developing a process for accepting maps in digital format and designating the digital versions as original and official documents. This is part of a larger digitization and modernization effort aimed at preserving historic documents, streamlining NDWR's record-keeping and workflow, and improving public access. The Division cannot currently accept digital maps or paper maps. Water right surveyors are requested to continue to follow the *"Guidelines and Rules for the Preparation of Water Right Maps."* Revisions to these guidelines and acceptance of digital maps will be broadly noticed upon completion.

Spatial Data and PLSS

The Division has an ArcGIS Online Open Data site providing the public with access to spatial data (<https://data-ndwr.hub.arcgis.com/>). Using online applications and tools, you can connect, review, and download spatial data in various GIS formats. Many of NDWR-maintained datasets, such as points of diversion and well driller report (well log) locations, are updated every business day to ensure that you have the most up-to-date information available to make water right decisions. For more information about spatial data available at this site, please contact Stephanie Snider at ssnider@water.nv.gov.

The Division uses the most current version of the Bureau of Land Management's (BLM) Public Land Survey System (PLSS) to plot points of diversion (POD) and places of use (POU), based on the bearing and distance provided in the water rights application. The quarter-quarters provided in the PLSS data are also used to determine the site name of a POD location. Make sure that survey maps submitted for water rights utilize the latest version of the BLM's PLSS. The BLM provides geospatial data on the Cadastral Survey (PLSS) at their ArcGIS Hub site (<https://gbp-blm-egis.hub.arcgis.com/pages/nevada>).

Codified Well Drilling Regulations

Amendments to Nevada Administrative Code (NAC) Chapter 534 regarding underground water and wells, adopted on December 29, 2020, have been officially codified. The current version of well drilling regulations can be found on the [Nevada Legislature website](#) and on the [Division's website](#).

Extension of Time

Each year, NDWR processes about 6,000 requests for extensions of time to file Proof of Completion or Proof of Beneficial Use and extensions of time to prevent forfeiture. State law requires a permittee to file proof and evidence in the application demonstrating that the applicant is proceeding in good faith and with reasonable diligence to perfect the water right or resume use.

In 2021, the Division added [regulations regarding Extensions of Time](#) specifying the information required for water right holders to meet statutory standards. These new provisions help protect water right holders proceeding with good faith and reasonable diligence while enabling NDWR to accurately and defensibly process requests. The regulation included a provision stating that the Division will review the regulations after three years to determine any necessary changes. Plans to initiate this review process, including public comment, in late summer or fall of 2024.

Deadline to File Claim of Vested Right

Any claimant of a pre-statutory water right must submit Proof of Appropriation to the State Engineer on or before December 31, 2027 (NRS 533.087). If a claimant fails to submit such proof, the claim is deemed to be abandoned. The claimant must provide supporting documentation to validate the claim. Examples include Homestead entry documentation, General Land Office records, Nevada State Land Patents, deeds, county tax rolls, income tax documents, branding records, affidavits, and published historical accounts.

Licensed Water Rights Surveyors are encouraged to share this information with existing and/or prospective clients to be proactive in filing claims of vested water right in advance of the sunset date of December 31, 2027.

If you have any questions regarding the sunset date, or for information on filing proofs, please contact NDWR at (775) 684-2800 and ask to speak with a member of the adjudications team.

New Proof of Appropriation Forms

New forms for filing proofs are available on [NDWR's website](#) (go to Forms tab, select Water Right tab and scroll to Forms 2001F through 2005F). The new forms, replacing the single form used before for all proofs, are now categorized by major manner of use. This differentiation helps clarify the information for the specific intended manner of use. Additionally, a supporting map must be submitted with every proof filing.

General NDWR Email Contacts by Subject Matter:

Adjudications or Decree Questions:

adjudications@water.nv.gov

Pumping Data Submittals:

pumpagereports@water.nv.gov

Water Level Data Submittals:

waterlevels@water.nv.gov

Water Planning:

waterplanning@water.nv.gov

Website Corrections:

waterinfo@water.nv.gov

Well Drilling Questions:

ndwrdrilling@water.nv.gov