

FAQ's Water Rights, Well Drilling and Dam Safety in Nevada

Water Rights

I think I have Truckee River Water Rights. Can I use them or sell them?"

Truckee Meadows Water Authority (TMWA) has an excellent website that answers many questions regarding Truckee River water rights. To access this site, go [Here](#)

Is a permit required to drill a domestic well within the State of Nevada?

No. Domestic wells are the only type of water well exempt from the State Engineer's permitting process (Nevada Revised Statutes [534.080](#) and [534.180](#)). Domestic use is defined as uses associated with culinary and household purposes directly related to a single-family dwelling, including, without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 1,800 gallons per day.

When is the drilling of a domestic well forbidden?

When the subject parcel of land can be physically and legally supplied water from a public water supply.

Can I have two or more homes served by a single domestic well?

No. Except for the provision described in [NRS 534.185](#), domestic use as defined under [NRS 534.013](#) is very specific in that the use is limited to one single-family dwelling. Multiple dwellings are considered a quasi-municipal use and thus, require a permit. A quasi-municipal well is often times referred to as a community well.

[When can I file Proof of Beneficial Use?](#)

After completion of the approved permitted manner of use. If a totalizing meter was required in the permit terms, then twelve (12) consecutive months of meter readings must be submitted along with the Proof of Beneficial Use.

Example 1: Permit A is permitted for quasi-municipal purposes for 4 homes and a totalizing meter is required. Twelve months after completion of all 4 homes and landscaping, the Proof of Beneficial Use may be submitted along with 12 months of meter readings.

Example 2: Permit B is permitted for the irrigation of 10 acres and a totalizing meter is required. After a crop is grown and harvested, the Proof of Beneficial Use may be submitted along with meter readings for the irrigation season during which the crop was grown.

[Can I have more than one home on the same parcel of land?](#)

That is a local government decision. There are counties within Nevada that allow more than one livable structure on the same parcel. You should check with the local governing body. However, if more than one structure is allowed on the same parcel, a domestic well can still only serve one dwelling and thus the number of domestic wells needed must match the number of dwellings being served. Septic tank concentration and well separation must be considered and must comply with local or state health laws.

[If water service hook-up is available for my house, do I have to connect to the service?](#)

The State Engineer may require the plugging of a domestic well drilled on or after July 1, 1981, at anytime one year after water can be furnished by a political subdivision of the State or a public utility regulated by the public utility commission of Nevada, but

only if the connecting fees are less than \$200 ([NRS 534.180](#)). Exceptions for designated basins are noted in [NRS 534.120](#). However, it has been the Division's policy to not require the hook-up to a water system until such time that the domestic well requires repair work requiring the setting-up of a well rig.

[When is an environmental permit required?](#)

Pursuant to [NRS 533.4373\(1\)](#), an environmental permit is required when, under order from the Division of Environmental Protection, it is required to appropriate water for treatment/clean-up and then discharge the clean water to a different source.

Well Drilling

[Do I have to have a well driller's license to drill my own well?](#)

Yes. Every water well drilled in the state of Nevada must be drilled by a licensed well driller pursuant to [NRS 534.160](#).

[When is a sanitary seal deeper than 50' required on a well?](#)

Pursuant to Nevada Administrative Code ([NAC](#)) [534.390](#) (these regulations), no perforations are allowed in the first 100 feet of the well and the well must have a minimum 100 foot sanitary seal where the well is within ¼ mile of a river, lake perennial stream, unlined reservoir or unlined canal. Also, there may be other seal requirements as described in the water rights permit terms or even by another agency such as public health or where poor water quality is encountered.

[When drilling a replacement well, do I have to plug the old well?](#)

Yes. Permission to drill the replacement well is contingent upon the plugging of the old well. In advance of drilling a replacement well, it is important that the owner understand that the old well needs to be plugged and abandoned immediately following the drilling of the new well. In some cases, if the old well is going to

be used for domestic purposes only, a waiver may be requested of this office allowing for the well to not be plugged.

[When is a waiver required to drill a monitor well?](#)

A waiver is required from the division when:

the construction of the monitor well deviates from the standard as described in [NAC 534.4351](#) through 534.4365, or a monitoring well is to be installed for a reason other than to comply with an environmental order or other permit requirements.

In all cases, there must be an Affidavit of Intent to Abandon on file with the state engineer prior to drilling any monitor well and, it is still the licensed well driller's responsibility to file a notice of intent card and a well log.

[What is the format for the well driller's licensing exam?](#)

The well driller's examination now consists of three parts:

Part 1 is a written examination to determine the applicant's knowledge of the rules and regulations for drilling wells in the state of Nevada.

Part 2 requires the applicant to identify a well location on a topographic map by full legal description.

Part 3 is an oral interview by the Statewide Well Driller's Board regarding the applicant's experience and knowledge of general drilling practices.

[Do I need to hire a licensed well driller to install cathodic protection borings?](#)

No. However, if the construction of the boring may cause waste or contamination of the ground water, it must be treated as a borehole pursuant to [NAC 534.4369](#) and 534.4371.

[Do I need to hire a licensed well driller to install closed loop geothermal borings used in conjunction with heat exchangers to heat homes?](#)

No. However, if the construction of the boring may cause waste or contamination of the ground water, it must be treated as a borehole pursuant to [NAC 534.4369](#) and 534.4371. Also, as long as there is no consumptive use, a water right does not need to be obtained from the state engineer. The Division of Minerals should be contacted prior to these installations however.

[What if I can't complete a well pursuant to the Regulations?](#)

The state engineer's approval of a written request is required to waive any of the regulations.

[Dam Safety](#)

[Who needs to file an application for a dam permit?](#)

Any person who intends to construct, reconstruct or alter a dam that has a crest height 20 feet or higher, as measured from the downstream toe to the crest, or has a crest height less than 20 feet but will impound 20 acre-feet or more of movable material, must acquire a dam safety permit prior to construction. This provision does not pertain to United States Bureau of Reclamation or United States Army Corps of Engineer projects.

[If I don't meet the above permitting criteria, what do I do?](#)

Any dam that doesn't meet the "20/20" criteria must still file a completed [application](#) form with the State Engineer's office prior to construction. The filing fee is not applicable unless a permit is required. The dam will still be assigned a number and tracked in our system. This information is needed so that engineers are better informed when they are out in the field and come across a structure that may or may not be a jurisdictional dam. Also, if there is a series of these dams on a stream system, the failure of one "small" dam could have a catastrophic effect on the dams in series downstream. Under unusual circumstances, a "small" dam may require a permit if so directed by the State Engineer.

[What about reservoirs that are essentially excavated holes in the natural topography?](#)

A completed application form should be submitted prior to construction, however the filing fee will only be required if it is determined that a permit is necessary. The "20/20" rule applies to all structures above the natural contours. If half of a 50 acre-foot impoundment is below natural grade and the other half (25 acre-feet) is above the natural grade, a permit is required.

If the entire reservoir is below natural grade but there exists a 2 foot berm surrounding a 10 acre (surface area) pond, there is a potential to store 2 feet x 10 acres = 20 acre-feet of water, thus requiring a permit.

[Do I need to pay an annual storage fee for my reservoir?](#)

Pursuant to [NRS 533.435](#), only privately owned nonagricultural dams which store more than 50 acre-feet of moveable material are charged an annual fee. The storage fee is \$100 plus \$1 per acre-foot storage capacity. The annual storage fee request letters are sent out in September or October. Tailings facilities are considered to impound moveable material, thus will be charged an annual storage fee if greater than 50 acre-feet. For dams that are constructed in raises, i.e. tailing facilities, the storage fee is based on the impoundment as approved by the most recent issuance of an authorization to impound.

[Can a dam inspection be requested of the State Engineer's office?](#)

Absolutely. Every high hazard structure should be inspected annually and followed up with a letter of findings and recommendations to the owner. If you're a high hazard dam owner, you should be getting information annually concerning the inspection. Significant hazard dams should be inspected every three years and low hazard dams every five years. If you are an owner of a dam in one of these three categories and haven't received a letter documenting a dam inspection and would like to

have your dam inspected by the State, just call or write the
Division of Water Resources at the following address:

*Division of Water Resources 901 S. Stewart St., Suite 2002 Carson
City, NV 89071-5250*