

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

1176

IN-LIEU RECHARGE ORDER

WHEREAS, under the provisions of Chapter 534 of Nevada Revised Statutes, the State Engineer has issued a series of orders designating various portions of the Las Vegas Valley Artesian Basin, Clark County, Nevada;

WHEREAS, the State Engineer, pursuant to NRS 534.030 and by Order No. 833 dated December 27, 1983, designated the entire drainage basin of the Las Vegas Valley Groundwater Basin, Clark County, Nevada;

WHEREAS, the Las Vegas Valley Water District currently holds non-revocable groundwater rights and may acquire additional non-revocable groundwater rights within the Las Vegas Valley Groundwater Basin;

WHEREAS, the City of North Las Vegas, currently holds non-revocable water rights and may acquire additional non-revocable water rights within the Las Vegas Valley Groundwater Basin;

WHEREAS, the Las Vegas Valley Water District develops and places to a beneficial use on an annual basis a substantial majority of its permitted and certificated groundwater rights;

WHEREAS, the City of North Las Vegas develops and places to a beneficial use on an annual basis a substantial majority of its permitted and certificated groundwater rights;

WHEREAS, the Southern Nevada Water Authority has constructed additional works of diversion, and said improvements will allow the Las Vegas Valley Water District and the City of North Las Vegas to deliver additional volumes of surface water from the Colorado River;

WHEREAS, the delivery of additional volumes and rates of diversion from the Colorado River could enable the Las Vegas Valley Water District and the City of North Las Vegas to rely more upon Colorado River water and less upon ground water from the Las Vegas Valley Artesian Basin.

WHEREAS, since 1987, the Las Vegas Valley Water District, and since 1990, the City of North Las Vegas, pursuant to NRS 534.250 et seq., have actively engaged in a

groundwater recharge program injecting treated Colorado River water into the Las Vegas Valley Artesian Basin;

WHEREAS, in-lieu recharge is the practice of utilizing an alternative water source, other than the native ground water allocated pursuant to Chapters 533 and 534 of Nevada Revised Statutes thereby allowing the ground water to remain in aquifer storage for future use;

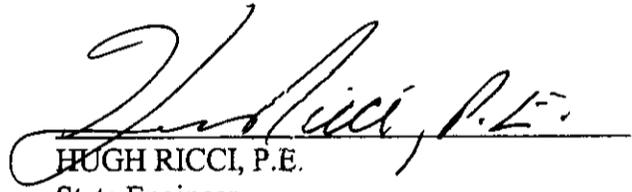
WHEREAS, an in-lieu recharge program in the Las Vegas Valley would reduce the stresses presently on the aquifer.

NOW THEREFORE, pursuant to authority granted to the Nevada State Engineer by NRS 534.120, it is hereby ordered:

1. Beginning in the calendar year 2004 an in-lieu recharge program based solely upon the procedure and conditions set forth herein for the Las Vegas Valley Groundwater Basin, assigned Basin No. 212 by the Nevada State Engineer, is hereby created.
2. The in-lieu recharge program created by this Order shall apply only to municipal water companies or water purveyors created by the Nevada Legislature, hereinafter collectively referred to as municipal purveyors.
3. The in-lieu recharge program shall apply only to municipal purveyors which develop water pursuant to non-revocable groundwater rights within the Las Vegas Valley Groundwater Basin, and are actively engaged in a groundwater recharge program pursuant to NRS 534.250, et seq.
4. The municipal purveyors must have access to and use of alternate sources of water, which are not hydrologically connected to the Las Vegas Valley Groundwater Basin.
5. The Las Vegas Valley Water District may, in consideration for utilizing the provisions of this in-lieu recharge program, be able to recover up to 85% of such in-lieu credits derived from non-revocable groundwater rights not withdrawn allowing 15% of the unpumped non-revocable groundwater rights to remain in the aquifer in perpetuity.
6. The City of North Las Vegas may, in consideration for utilizing the provisions of this in-lieu recharge program, be able to recover up to 85% of such in-lieu credits derived from non-revocable groundwater rights not withdrawn allowing 15% of

the unpumped non-revocable groundwater rights not withdrawn to remain in the aquifer in perpetuity.

7. The municipal purveyors are not authorized to remove more recharge water and in-lieu recharge water combined than authorized under the terms and conditions of the current recharge permits issued pursuant to NRS Chapter 534.
8. The municipal purveyors who utilize the provision of this order shall maintain separate records, which shall be provided to the Nevada State Engineer in the annual recharge report required under the terms and conditions of the current recharge permits issued pursuant to NRS Chapter 534.
9. Certificates issued under non-revocable groundwater right permits held by the Las Vegas Valley Water District and the City of North Las Vegas, as provided for in this order will not be subject to the statutory provisions of forfeiture or abandonment (NRS 534.090) during the time in which this order is in effect and for a period of five years following the date of any repeal or amendment of this order.
10. The State Engineer will review this order on a periodic basis to determine if any amendments are needed.


HUGH RICCI, P.E.
State Engineer

Dated at Carson City, Nevada,
this 10th day of December, 2004.