IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

1210

ORDER

FOR DOMESTIC WELL CREDIT WITHIN THE ANTELOPE VALLEY HYDROGRAPHIC BASIN (106)

WHEREAS, this order is adopted under the procedure set forth in Chapter § 534.350 of the Nevada Revised Statutes for the establishment of a program that allows a public water system to receive credits for the addition of new customers to its system;

WHEREAS, this order covers the Antelope Valley Hydrographic Basin (106) as described and designated by State Engineer's Order No. 714 more specifically described as being:

T.8N., R.23E., M.D.B.& M.

All that portion of unsurveyed T.8N., R.23E., M.D.B.& M., lying within the natural drainage of Antelope Valley and also lying within the boundaries of the State of Nevada.

T.9N., R.22E., M.D.B.& M.

All of Sections 1, 2, 3 and 12, and that portion of Sections 4, 5, 10, 11, 13, 14 and 24 lying within the boundaries of the State of Nevada.

T.9N., R.23E., M.D.B.& M.

All of Sections 2 through 10, 14 through 18, 20 through 23, 27, 28 and 34, that portion of Sections 1, 11, 12, 13, 24, 25, 26 and 35 lying within the natural drainage of Antelope Valley and that portion of Sections 19, 29, 30, 32 and 33 lying within the boundaries of the State of Nevada.

T.10N., R.21E., M.D.B.& M.

All of Sections 1, 12 and 13, that portion of Sections 2, 10, 11, 14, 15 and 23 lying within the natural drainage of Antelope Valley and that portion of Sections 24 and 25 lying within the boundaries of the State of Nevada.

T.10N., R.22E., M.D.B.& M.

All of Sections 1 through 29, 33 through 36 and that portion of Sections 30, 31 and 32 lying within the boundaries of the State of Nevada.

T.10N., R.23E., M.D.B.& M.

All of Sections 6, 7, 8, 16 through 21, 28 through 35 and that portion of Sections 4, 5, 9, 10, 15, 22, 25, 26, 27 and 36 lying within the natural drainage of Antelope Valley.

T.11N., R.21E., M.D.B.& M.

That portion of Sections 25, 35 and 36 lying within the natural drainage of Antelope Valley.

T.11N., R.22E., M.D.B.& M.

All of Sections 26, 27, 28, 32 through 36 and that portion of Sections 16, 20, 21, 22, 23, 24, 25, 29, 30 and 31 lying within the natural drainage of Antelope Valley.

T.11N., R.23E., M.D.B.& M.

All of Section 31 and that portion of Sections 29, 30 and 32 lying within the natural drainage of Antelope Valley.

WHEREAS, this order proposes that a public water system that provides water for municipal purposes within the area described above receive a credit for each customer who is added to their system provided:

a. A single family dwelling which is presently utilizing a domestic well on a lot established as a separate lot before July 1, 1993, and voluntarily ceases to draw water from that well located within the described area; or

b. Any owner of a lot with the ability to drill a domestic well and utilize water from that well meets the following conditions:
   (1) That the described lot is located within the area described; and
   (2) That the lot was established as a separate lot before July 1, 1993; and
   (3) That the lot was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and
   (4) A written agreement is entered between the owner of the lot and the public water system, wherein, the owner agrees not to drill a domestic well on the lot, and the public water system agrees that it will provide water service to that lot. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to chapter 111 of NRS.

WHEREAS, if a county requires, by ordinance, the dedication to the county of a right to appropriate water from a domestic well which is located on a lot or other parcel of land that was established as a separate lot or parcel on or after July 1, 1993, the county may, by relinquishment to the State Engineer, allow the right to appropriate water to revert to the source of the water and if an owner of such a parcel of land becomes a new customer of a public water system for that parcel of land, the public water system is entitled to receive a credit in the same manner as the addition of any other customer to the public water system pursuant to NRS § 534.350.

WHEREAS, the State Engineer may require each new customer who voluntarily ceases to withdraw water from a domestic well to plug that well at such time as notification of service from the public water system is made.

WHEREAS, a credit granted to the public water system under this order:

a. Will be for domestic uses as defined by NRS § 534.013.
b. May not exceed the increase in water consumption attributable to the additional service connection or 2 acre-feet per year, whichever is less. The amount of water provided to each service will be reported by each public utility on a yearly basis, in addition to the amount pumped under any permitted water right.
c. Cannot be converted to an appropriative right.
d. May only be used at the location of the lot for which credit is being sought.
e. Will only be from a water purveyor who pumps ground water within the same ground water basin as covered by this order.

WHEREAS, this order does not:

a. Require any public water system to extend its service area unless approved by the Nevada Public Utilities Commission, if applicable.
b. Authorize any increase or the potential increase in the total amount of ground water pumped in the Antelope Hydrographic Basin (106).
c. Affect any rights of an owner of a domestic well who does not voluntarily bring himself within the provisions of this order.
d. Interfere with the State Engineer's authority to possibly restrict the drilling of a domestic well for domestic use, as defined in this order, in the described area of this order where water can be furnished by an entity presently engaged in serving water within the said area.

WHEREAS, for the purposes of this order:

a. "Domestic well" means a well used for culinary and household purposes in:
   (1) A single-family dwelling; and
   (2) An accessory dwelling unit for a single-family dwelling if provided for in an applicable local ordinance, including the watering of a garden, lawn and domestic animals where the draught does not exceed 2 acre-feet per year.
b. "Lot" has the meaning ascribed to it in NRS § 278.0165.
c. "Public Water System" has the meaning ascribed to it in NRS § 445A.840.

WHEREAS, a public hearing, as required under NRS § 534.350(2), in the matter of whether to establish a domestic well credit program within the designated Antelope Valley Hydrographic Basin was held in Minden, Nevada, on June 22, 2010. Based on information received at the hearing and records available in the Office of the State Engineer, it is determined that this basin meets the statutory criteria for a domestic well credit order.

NOW THEREFORE, pursuant to the authority in NRS § 534.350, the State Engineer hereby establishes a domestic well credit program in the Antelope Valley Hydrographic Basin (106), as heretofore described.

Jason King, P.E.
State Engineer

Dated at Carson City, Nevada this

30th day of June, 2010.