

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

**AMENDED ORDER**

**#1288A**

**FOR DOMESTIC WELL CREDIT WITHIN THE  
DIAMOND VALLEY HYDROGRAPHIC BASIN (153),  
EUREKA COUNTY, NEVADA**

**WHEREAS**, this order is adopted under the procedure set forth in NRS 534.350 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 that portion of the Diamond Valley Hydrographic Basin (153) located within Eureka County, Nevada, as designated and described under State Engineer's Order 815, dated April 4, 1983.

**WHEREAS**, this order provides 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 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 that 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**, Eureka County has a public water system that provides water service for municipal purposes within the Diamond Valley Hydrographic Basin.

**WHEREAS**, Eureka County Code 8.150.010 through 8.150.020 require dedication or reservation to Eureka County of 2 acre-feet of water rights for each new, additional parcel of land identified in certain areas of Eureka County.

**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 groundwater within the same groundwater basin as covered by this order.

**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**, any such request for a domestic use credit under this order shall be made to the Office of the State Engineer on the form provided by him.

**WHEREAS**, the State Engineer shall not accept a relinquishment of a right to appropriate water unless the right is in good standing as determined by the State Engineer. A right to appropriate water that is dedicated and relinquished remains appurtenant to the parcel of land in which it is located as specified on the parcel map that created the parcel and maintains its date of priority established pursuant to NRS 534.080.

**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 groundwater pumped in the Diamond Valley Hydrographic Basin (153).
- 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 that is 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**, based on information and records available in the Office of the State Engineer, it is determined that that portion of the Diamond Valley Hydrographic Basin located within Eureka County, Nevada, 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 within the Diamond Valley Hydrographic Basin (153), as heretofore described.

**IT IS FURTHER ORDERED** that this order supersedes State Engineer's Order 1288, dated August 23, 2017.

  
TIM WILSON, P.E.  
Acting State Engineer

Dated at Carson City, Nevada this

21st day of October, 2019.