

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

ORDER

#1292

**DIRECTING THE INSTALLATION OF
TOTALIZING METERS WITHIN THE
DIAMOND VALLEY HYDROGRAPHIC BASIN (153)**

WHEREAS, Nevada Revised Statute (NRS) § 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the groundwater basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

WHEREAS, the State Engineer designated the Diamond Valley Hydrographic Basin, located within Eureka County, Nevada, as provided under the provisions of Nevada Revised Statute (NRS) § 534.030, by the following Orders:

1. Order No. 277, dated August 5, 1964, designating a portion of the basin;
2. Order No. 280, dated August 28, 1964, amending the designated area described in Order No. 277; and
3. Order No. 815, dated April 4, 1983, amending the description of the designated area.

WHEREAS, pursuant to NRS § 534.120, the State Engineer determined the groundwater of the Diamond Valley Hydrographic Basin was being depleted and the following orders were entered, deemed essential for the welfare of the area involved:

1. Order No. 541, dated December 22, 1975, curtailed new appropriations in location-specific areas subject to limited exceptions;
2. Order No. 717, dated July 10, 1978, curtailed new appropriations for irrigation with limited exceptions;
3. Order No. 809, dated December 1, 1982, ordered the installation of totalizing meters on all permitted and certificated wells;
4. Order 813, dated February 7, 1983, suspended Order No. 809 until May 1, 1984;
5. Order No. 1226, dated March 26, 2013, curtailed all new appropriations with limited exceptions; and
6. Order No. 1264, dated August 25, 2015, designated Diamond Valley Hydrographic Basin a critical management area.

WHEREAS, the State Engineer finds that it is in the public interest to ensure that the diversions of underground water in the Diamond Valley Hydrographic Basin are within the limits set forth in each water right permit, certificate or other authorization to divert groundwater.

WHEREAS, NRS § 534.110 provides that the State Engineer may require periodic statements of water elevations, water used, and acreage upon which water was used from all holders of permits and claimants of vested rights.

NOW THEREFORE, IT IS HEREBY ORDERED that Order No. 809, dated December 1, 1982, and Order No. 813, dated February 7, 1983, are herewith **RESCINDED**,

IT IS FURTHER ORDERED that all owners of underground water rights in the above-described hydrographic basin, with the following exceptions, shall install and maintain, in accordance with manufacturer's specifications, a totalizing meter in the discharge pipeline near the point of diversion by **April 1, 2018**. Additionally, all wells drilled after **April 1, 2018**, shall be subject to this requirement.

EXCEPTIONS:

1. Those wells drilled for domestic purposes as defined by NRS § 534.013.
2. Those wells drilled for stockwater purposes, unless otherwise required by the terms of the permit or certificate.

IT IS FURTHER ORDERED that **within 30 days** of installation, each owner who installs a totalizing meter in accordance with this order shall file with the State Engineer a report of installation on the form provided by the Nevada Division of Water Resources.

IT IS FURTHER ORDERED that once the totalizing meter is installed, monthly records shall be kept of the amount of water pumped from each well subject to this order, and the records shall be submitted to the State Engineer **within 15 days after the end of each calendar quarter**, or more frequently if required by the terms of a permit or certificate.

IT IS FURTHER ORDERED that:

1. Each water right owner shall expeditiously correct totalizing meter failure or deficiencies in metering equipment or installations that cause the meter to fail to meet the requirements of this order. Failure to comply may result in an assessment of fines and penalties against the water right owner pursuant to NRS § 534.193.
2. The State Engineer may authorize the temporary estimation of the amount of water pumped during the time period required to repair a non-functional totalizing meter. Estimation of the amount of water pumped must be based upon the number of hours the pump was operated, multiplied by the well discharge diversion rate. This estimation must be submitted to the State Engineer in the form of a sworn affidavit from the water right owner, but is in no way a direct substitute for a totalizing meter installed in the discharge pipeline and required reporting.
3. Each water right owner shall provide access to the Nevada Division of Water Resources staff without prior notice for reading and inspection.

4. Any tampering with any working totalizing meter, *i.e.*, reprogramming, such that the totalizing meter provides a false measurement is prohibited. If upon inspection, the State Engineer finds discrepancies between the totalizing meter reading and actual discharge from the well, an independent certification of the flow measurement may be required at the expense of the water right holder.



JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

8th day of December, 2017.

