

IN THE MATTER OF APPLICATION 46333 FILED)
TO APPROPRIATE THE WATERS OF AN UNDERGROUND)
SOURCE IN PINE VALLEY, EUREKA COUNTY, NEVADA)

R U L I N G

INTRODUCTION

Application 46333 was filed on November 13, 1982, by Cortez Gold Mines to appropriate 0.5 cfs of underground water for mining and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 34, T. 27 N., R. 28 E., M.D.B.&M.

Application 46333 was timely protested by Frank Paxton on the following grounds:

"The pumping of large volumes of water from the underground aquifer will cause detrimental effects on the surface flows of Willow Creek. Willow Creek is a tributary to Pine Creek from which I have a Water Right Permit No. 5895 for irrigation and domestic purposes."

By a letter dated July 11, 1983, to the office of the State Engineer from Mike Buschelman of Chilton Engineering, Mr. Buschelman indicates that Northern California Financial Services purchased Mr. Paxton's ranch and water right interests and indicated that the new owners have an interest in the protest.

FINDINGS OF FACT

I

By letter dated July 18, 1983, a notice was given by the Division of Water Resources to the applicant under Application 46333 and to the protestant, that a field investigation was to be conducted on Tuesday, August 2, 1983 in the matter of the protest against Application 46333.

1/

II

A field investigation was held on August 2, 1983 regarding Application 46333. Mr. Jack Pine, the protestant, and Mr. Michael Cartwright and Mr. Authur Walsh representing the applicant, Cortez Gold Mines, were present at the investigation. Mr. Gerald Brownfield and Mr. George Thiel were present at the investigation representing the State Engineer.

2/

III

The well under Application 46333 was constructed on November 23, 1982, prior to the field investigation. 3/

IV

The well under Application 46333 was constructed approximately 75 feet horizontal distance from Willow Creek. 4/

V

Well Log Number 24294 was submitted to our office on December 15, 1982 by Humboldt Drilling and Pump Company. The log indicates blank casing from 0 to 184 feet from the surface. The well log also indicates chert and carbon chert from a depth of 10 feet to a depth of 125 feet below the ground surface. The first water was encountered at 125 feet below the surface. 5/

VI

Mr. Michael Cartwright, a geologist for Cortez Gold Mines, was at the well site during drilling. Mr. Cartwright confirmed that the materials encountered during the drilling were as stated on the well log. 6/

VII

Mr. Cartwright explained that no open voids were encountered while drilling. Mr. Cartwright also stated that no definite aquifers were encountered while drilling. 7/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties in the subject matter of this action. 8/

II

The well has blank casing from 0 to 184 feet below the ground surface and the material encountered above the static water level in the well (125 feet) was chert or carbon chert rock. This would preclude the waters of Willow Creek from migrating to the well in the local vicinity of the well site under Application 46333. This is due to the impervious nature of this formation.

III

The evidence and information available indicate that the well under Application 46333 will have no direct influence on the flows of Willow Creek, and therefore will not adversely effect existing water rights.

RULING

The protest to Application 46333 is overruled on the grounds that evidence and information available indicate there will be no adverse effects on existing rights. A permit will be issued upon receipt of the permit fees required by Statute subject to existing rights.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/GB/jlm

Dated this 16th day
of November, 1983.

FOOTNOTES

1. Report of Field investigation - public records in the office of the State Engineer. See File 46333.
2. Report of Field Investigation - public records in the office of the State Engineer. See File 46333.
3. Well log - public records in the office of the State Engineer.
4. Report of Field investigation - public records in the office of the State Engineer. See File 46333.
5. Well log - public records in the office of the State Engineer.
6. Report of Field investigation - public records in the office of the State Engineer. See File 46333.
7. Report of Field investigation - public records in the office of the State Engineer. See File 46333.
8. NRS 533.025 and NRS 533.030, Subsection 1.