

Ruling
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STATE OF NEVADA
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES
BEFORE PETER G. MORROS, STATE ENGINEER

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IN THE MATTER OF APPLICATION
NUMBERS 50122, 50123 & 50124.

TRANSCRIPT OF PROCEEDINGS
PUBLIC HEARING
TUESDAY, JUNE 30, 1987
VIRGINIA CITY, NEVADA

REPORTED BY: MARY E. BELL, CSR, RPR, CP
Nevada CSR #98

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1 suspect it would have absolutely no effect on it. We are
2 constantly, if you go up to the Mackay School of Mines,
3 they have the seismology department there, they have a
4 number of sites all over western Nevada where they are
5 continually monitoring for earthquake activity and there is
6 a substantial amount of earthquake activity all the time in
7 this area, which is quite a bit more intense in general
8 than any of the blasting that is going on.

9 MR. MORROS: Let's just go off the record here
10 for a minute.

11 (A discussion was held off the record.)

12 MR. MORROS: Let's go back on the record.
13 Applicant's Exhibits 3 and 4, Exhibit 3 was that Flowery
14 Peak chart or map that's up there on the board and Exhibit
15 4 was the report of John Sharp's. Any objection to those
16 being received into the record? Applicant's Exhibits 3 and
17 4 will be entered into the record.

18 Protestants' Exhibit 1 which is the letter dated
19 June 29th, 1987 from Jackie Adamson, any objection to that?
20 All right. Protestants Exhibit 1 one will be entered into
21 the record.

22 MR. MORROS: Let's go off record for a minute.

23 (A discussion was held off the record.)

24 MR. MORROS: We'll be back on the record. Let
25 the record reflect that there has been a discussion off the

1 record between the Protestants, the Applicant and the State
2 Engineer and that a tentative agreement has been reached
3 concerning the issuance of two permits relating to
4 applications 50123 and 50124.

5 The State Engineer is going to overrule the
6 protests to applications 50123 and 50124 and the permits
7 will be issued subject to the following terms and
8 conditions.

9 Number 1, the permits will be issued subject to
10 all existing rights. Number 2, the permits will be issued
11 with the full understanding that the existing shaft, which
12 is the subject of application 50124, will be pumped for a
13 test period no less than 30 days for the primary purpose of
14 determining aquifer response.

15 Additionally, the approval of application 50123
16 will allow the drilling of one well should the pump test on
17 the shaft under application 50124 prove insufficient and
18 inadequate for the purposes of developing data and
19 information regarding aquifer response.

20 The well under application 50123 will not be
21 drilled or work will not be commenced on the drilling of
22 that well until such time as any pump testing program on
23 the shaft, which is the subject of application 50124, has
24 been shown to be inadequate for the purposes of developing
25 the data and information desired.

1 MR. MORROS: The Applicant, Alhambra Mines,
2 Incorporated, will be allowed the flexibility of pumping
3 from either existing shaft under applications 50123 and
4 50124 or upon approval by the State Engineer drilling and
5 constructing a well.

6 The diversion rate, the combined diversion rate
7 under permits 50123 and 50124 shall not, under any
8 circumstances, exceed 300 gallons per minute.

9 The combined diversion rate under the two permits
10 shall not exceed 150 gallons per minute without prior
11 approval by the State Engineer after consultation with the
12 Protestants.

13 The last condition is that the Applicants,
14 Alhambra Mines, Incorporated, will submit to the State
15 Engineer and provide to Protestants also a copy of a
16 proposed plan for conducting the pump test and the location
17 of the monitoring wells.

18 No drilling of either a test well or any
19 monitoring wells will occur prior to approval of the
20 proposed plan.

21 The permits will be issued under the preferred
22 use provision of NRS Chapter 534 and the manner of use of
23 water under the permits will be recognized as a temporary
24 use and any application to change the manner of use granted
25 under these permits will be subject to additional

1 determination and evaluation with respect to the permanent
2 effects on existing rights and the resource within the
3 ground water basin.

4 The issuance of the permits does not waive the
5 requirements that the permit holder obtain other permits
6 from state, federal and local agencies.

7 Any diversion of water under these permits will
8 require the maintenance of records and will require the
9 installation of totalizing meters.

10 Totalizing meters must be installed and
11 maintained in the discharge pipeline near the point of
12 diversion and accurate measurements must be kept of the
13 water diverted and placed to beneficial use.

14 Records will be maintained on the diversion of
15 all water and those records will be submitted to the State
16 Engineer's office on a monthly basis.

17 When all the data and information is made
18 available to the State Engineer as a result of the
19 controlled pump test program, the State Engineer at that
20 time will evaluate the terms and conditions of the issuance
21 of permits 50123 and 50124 and further make a determination
22 as to whether additional terms and conditions are necessary
23 or whether modification of the existing terms and
24 conditions are appropriate.

25 The State Engineer will withhold action on

1 application 50122 pending availability of all the data and
2 information as a result of the controlled pump test
3 program.

4 Permits will be issued upon receipt of the
5 statutory permit fees under 50123 and of 50124.

6 With the understanding that should there be any
7 confusion relating to the terms and conditions that the
8 State Engineer has just imposed on the issuance of permits
9 50124 and 50123, the State Engineer does not waive the
10 right to clarify or modify those conditions.

11 I'll declare this hearing closed.

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13 (The hearing concluded at 3:30 p.m.)

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