

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 49636)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
CRESCENT VALLEY GROUND WATER BASIN,)
EUREKA COUNTY, NEVADA.)

RULING

GENERAL

Application 49636 was filed on January 17, 1986, by John Holley to appropriate 0.0002 c.f.s. of water from an underground source for stockwatering purposes within the SW1/4 NE1/4 NW1/4 Section 15, T.30N., R.48E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 15, T.30N., R.48E., M.D.B.&M.¹

FINDINGS OF FACT

I.

In a letter dated January 30, 1986, the State Engineer's office requested information from the Bureau of Land Management regarding the current range users within the described place of use.¹

II.

On March 4, 1986, the State Engineer's office received a letter from the Bureau of Land Management stating that Zeda, Inc., John Marvel and Paul Sansinena are the authorized range users for the place of use described under Application 49636, including adjacent federal lands.

III.

The State Engineer, as a long standing policy, has limited approval of private applications for stockwatering rights on public domain and national forest lands to the federal range permittees or the federal agency responsible for the management and administration of the lands.²

IV.

Application 49636 was subsequently denied on the grounds that the granting thereof would be detrimental to the public interest and would substantially interfere with or impair the value of existing grazing rights on the public land.

¹ Public record in the office of the State Engineer.

² NRS 533.495.

V.

Upon further review, the point of diversion and place of use under Application 49636 has been determined to fall on private land.

VI.

Stockwatering is declared to be a beneficial use of the public waters. The State Engineer may approve any application if it contemplates:³

1. The application of the water to a beneficial use;
2. There is unappropriated water in the proposed source;
3. The proposed use will not impair existing rights;
4. The appropriation is in the public interest.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁴

II.

There is no evidence of interference with existing rights and there is unappropriated water available for the use set forth herein.

III.

The information provided by the Bureau of Land Management for authorized range users Zeda, Inc., John Marvel and Paul Sansinena was for adjacent federal lands, not land specified for the point of diversion and place of use under Application 49636.

IV.

The granting of Application 49636 is in the public interest.

³ NRS 533.490, 533.495, 533.030(1) and 533.370(3).

⁴ NRS Chapters 533 and 534.

RULING

The denial of Application 49636 is hereby rescinded and issuance of a permit under Application 49636 is approved. A period of 30 days from the date of this Ruling is granted to the applicant for submitting the required \$50.00 permit fee.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Morros", written over a horizontal line.

PETER G. MORROS
State Engineer

PGM/DL/bl

Dated this 18th day of
June, 1987.

Ruling
3446A

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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

ORIGINAL

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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