

ORIGINAL

STATE OF NEVADA

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF WATER RESOURCES

BEFORE JONATHAN C. PALM, HEARING OFFICER

RULING

# 4352

In the Matter of the Forfeiture in  
Permit 28402.

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TRANSCRIPT OF PROCEEDINGS

PUBLIC HEARING

TUESDAY, MAY 14, 1996

APPEARANCES:

For the Applicant: NON APPEARANCE

For the Protestants: Valerie King  
Nevada Environmental Protection  
Todd Croft  
Nevada Environmental Protection

Reported by: SHELDON L. HENSLEY, CCR, RPR  
Nevada CCR #316

1 points that Benzene has been measured at. The closest  
2 monitoring point to the Stewart Brothers well is really  
3 approximately 4,002 measurable episodes, last measure or  
4 episode was approximately 2,000. But by estimating between  
5 data points, the contour shows it would be about 500 parts  
6 per billion Benzene in the Stewart Brothers well. The  
7 standard in drinking well water is five per billion  
8 micrograms per liter.

9 HEARING OFFICER: Okay. Anything else you'd like  
10 to say on the record?

11 MR. CROFT: I think that's it.

12 HEARING OFFICER: Thank you. Let's go off the  
13 record a minute.

14 (Off the record.)

15 HEARING OFFICER: Let's go back on the record.  
16 The State Engineer has authorized me to enter a ruling at  
17 this hearing, therefore I'm prepared to state underlying  
18 facts, the findings of fact and conclusions and the ruling.

19 We have permit 28402 which was issued under the  
20 terms and conditions of a revocable permit and therefore  
21 when water service is available from a municipality, then  
22 this permit can be revoked. I find that water service is  
23 available from the City of North Las Vegas and in fact  
24 presently services the place of use under 28402, and the  
25 well under permit 28402 is presently out of service.

1                   Conclusions. 1: The State Engineer has  
2 jurisdiction in this matter as provided for in the Nevada  
3 Revised Statutes Chapters 533 and 534, and also in the  
4 Nevada Administrative Code, Chapter 534. Under NRS 534.120,  
5 Paragraph 3 (a), "The State Engineer may issue temporary  
6 permits to appropriate ground water which can be limited as  
7 to time and which may be revoked if and when water can be  
8 furnished by an entity, such as a water district or  
9 municipality presently engaged in furnishing water to the  
10 inhabitants thereof."

11                   Number 2: I conclude that water is being  
12 furnished by the North Las Vegas Municipal Water System and  
13 that the well under permit 28402 is not being used for that  
14 purpose. We heard testimony that the reason why is because  
15 of the contamination incident and that the owner of the well  
16 was ordered to discontinue using that well to serve the  
17 Desert Moon Trailer Park. Therefore, permit 28402 is  
18 eligible to be revoked and I conclude that permit 28402  
19 should be revoked.

20                   Number 3: I'm also going to cite other portions  
21 of the Nevada Administrative Code, particularly  
22 NAC 534.015 in which "abandoned" is defined. "Abandoned"  
23 means to remove a well from service and to protect  
24 underground water from waste and contamination.

25                   We've had a request by the representative of the

1 Division of Environmental Protection that an order be issued  
2 to plug and abandon the well under permit 28402. I'm going  
3 to recommend to the State Engineer that such an order be  
4 issued and that the well under permit 28402 be ordered to be  
5 abandoned and plugged under NAC 534.420.

6 That particular regulation gives the requirements  
7 for plugging and states that the water well must be plugged  
8 by a driller licensed by the State Engineer. I'll discuss  
9 this matter with the State Engineer and urge him to issue an  
10 appropriate order with a time limit given so that this well  
11 can be plugged and abandoned with all haste.

12 Ruling: Permit 28402 is hereby revoked on the  
13 grounds that water service is available from the North Las  
14 Vegas Municipal Water Company.

15 I'm going to declare this hearing closed.

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17 (Proceedings Concluded)

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1 STATE OF NEVADA, )  
2 CARSON CITY. ) ss.  
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4 I, SHELDON L. HENSLEY, Official Court Reporter for  
5 the State of Nevada, Department of Conservation and Natural  
6 Resources, Division of Water Resources, do hereby certify:

7 That on Tuesday, the 14th day of May, 1996, I was  
8 present at Division of Water Resources, Las Vegas Office,  
9 for the purpose of reporting in verbatim stenotype notes the  
10 within-entitled public hearing;

11 That the foregoing transcript, consisting of pages  
12 1 through 12, inclusive, includes a full, true and correct  
13 transcription of my stenotype notes of said public hearing.

14  
15 Dated at Carson City, Nevada, this 24th day  
16 of May, 1996.

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20 Sheldon L. Hensley  
21 Nevada CCR #316  
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