

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

IN THE MATTER OF APPLICATION 62558 FILED TO)
APPROPRIATE THE UNDERGROUND WATERS OF THE)
OASIS VALLEY GROUNDWATER BASIN (228), NYE)
COUNTY, NEVADA.)

RULING

4502

GENERAL

I.

Application 62558 was filed on November 1, 1996, by Hyundai America Technical Center, Inc., to appropriate 0.09 cubic feet per second (cfs) and not to exceed 2.0 acre feet annually (AFA), of the underground waters of the Oasis Valley Groundwater Basin, Nye County, Nevada, for commercial use at a proposed automobile shop for testing new vehicles located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 33, T.11S., R.47E., M.D.B.&M. The proposed point of diversion is located within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 33.¹

II.

Application 62558 was timely protested by the Beatty Water and Sanitation District on the grounds that existing underground rights held by the District may be adversely affected by the pumping of groundwater as proposed under Application 62558.¹

III.

Application 62558 was timely protested by the U.S. National Park Service on the grounds that several sources of water within the Death Valley National Park would be diminished or impaired as a result of the appropriation proposed under Application 62558.¹

FINDINGS OF FACT

I.

The proposed place of use of Application 62558 is a 1.48 acre parcel of land (APN 18-161-41) on which formerly existed a single family dwelling (mobile home) served by a domestic well.² The

¹File No. 62558, official records in the Office of the State Engineer.

²Application 62558 and supporting map, official records in the Office of the State Engineer.

quantity of water allowed for domestic use on this property was 1,800 gallons per day or 2.02 AFA.³ The Applicant proposes to retire the domestic well and drill a second well on the property to serve the proposed commercial use as described in Application 62558. No further domestic use is contemplated. The State Engineer finds that the quantity of water requested in Application 62558 is less than that previously allowed under the former domestic use. The State Engineer further finds that the quantity of water requested in Application 62558 is diminimus and less than that already appropriated by the domestic well.

II.

The proposed place of use of Application 62558 is located approximately two miles from the Town of Beatty, in an area not served by the Beatty Water and Sanitation District. The nearest District well is about 1.5 miles away.⁴ The drawdown in the Protestant's nearest well, caused by the proposed pumping under Application 62558 is estimated to be zero, due to the distance and the very small quantity of water proposed to be pumped.⁵ The State Engineer finds that the pumping of the Applicant's proposed well will have no adverse affect on the existing rights held by the Beatty Water and Sanitation District.

III.

The proposed place of use of Application 62558 is located approximately 37 miles from the boundaries of the Death Valley National Park. Given the small quantity of water proposed to be pumped and the distance to the Death Valley National Park, the

³NRS 534.180.

⁴Map filed in support of Application 62558 and the map of the service area of the Beatty Water and Sanitation District, on file in the Office of the State Engineer.

⁵The Theiss Equilibrium Model was used to predict the drawdown curve. Conservative values for Storativity (0.01) and Transmissivity (750 gpd/ft) were used.

drawdown analysis described above predicts no affect on the water sources located this far away. The State Engineer finds that the approval of Application 62558 will have no affect on the water sources within the Death Valley National Park.

IV.

The State Engineer finds that there is no evidence on the record indicating that the approval of Application 62558 threatens to prove detrimental to the public interest.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action.⁶

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters of Nevada where:⁷

- A. There is no unappropriated water at the proposed source;
- B. The proposed use conflicts with existing rights; or
- C. The proposed use threatens to prove detrimental to the public interest.

III.

It is a condition of each appropriation of groundwater acquired under NRS 534 that the right of the appropriator relates to a specific quantity of water and that the right must allow for a reasonable lowering of the static water level at the appropriator's point of diversion.⁸

⁶NRS Chapters 533 and 534.

⁷NRS 533.370.

⁸NRS 534.110(4).

IV.

The requested quantity of water under Application 62558 is less than that previously allowed under the domestic use. The State Engineer concludes that there is unappropriated water available for Application 62558 by the replacement of the domestic use by the commercial use.

V.

The drawdown analysis indicates that the pumping of groundwater as proposed under Application 62558 will have no impact on the District's wells or on the sources of water located in the Death Valley National Park. The State Engineer concludes that the approval of Application 62558 will not conflict with any existing rights.

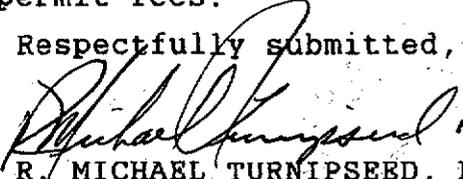
VI.

The State Engineer concludes that the approval of Application 62558 does not threaten to prove detrimental to the public interest.

RULING

The protests to Application 62558 are hereby overruled and said Application is hereby approved subject to existing rights and the payment of the statutory permit fees.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/JCP/ab

Dated this 28th day of
February, 1997.