

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

IN THE MATTER OF APPLICATION 59208)
FILED TO APPROPRIATE THE PUBLIC)
WATER FROM AN UNDERGROUND SOURCE)
WITHIN THE LAKE VALLEY GROUNDWATER)
BASIN (183), LINCOLN COUNTY,)
NEVADA)

RULING

4332

GENERAL

I.

Application 59208 was filed on September 1, 1993, by the United States Department of Interior, Bureau of Land Management to appropriate 1.0 cubic feet per second (cfs), not to exceed 301.65 acre-feet annually, of underground water from the Pony Springs Fire Station well for quasi-municipal (fire station) purposes within a portion of Lot 3, Section 6 and a portion of Lot 8, Section 5, T.5N., R.66E., M.D.B.&M.¹ The proposed point of diversion is described as being within Lot 3, Section 6, T.5N., R.66E., M.D.B.&M.

II.

By letter dated February 23, 1994, the applicant informed the State Engineer that it wished to change the amount requested under Application 59208 to 0.1 cfs, not to exceed 5.0 acre-feet annually.¹

III.

Application 59208 was timely protested by Cortney S. Dahl on the following grounds:

The United States Department of Interior - Bureau of Land Management can show no beneficial use of this water as USDI-BLM owns no livestock or wildlife and is not charged with providing water for municipal use in the State of Nevada, outside of providing drinking water for BLM employees in their various office buildings, none of which is at this location. The Federal Government should own no water in the State of Nevada.¹

¹File No. 59208, official records of the Office of the State Engineer.

IV.

Application 59208 was also timely protested by the United States Department of Interior, National Park Service, but said protest was withdrawn on October 2, 1995.¹

FINDINGS OF FACT

I.

The State Engineer initially described and designated the Lake Valley Groundwater Basin on June 11, 1979, under the provisions of NRS 534.030, as a basin in need of administration.² The State Engineer finds that the proposed point of diversion under Application 59208 is located within the boundaries of the designated Lake Valley Groundwater Basin.

II.

The records of the State Engineer indicate that the only other permitted water right in either Section 5 or Section 6 of T.5N., R.66E., M.D.B. & M, is Permit 8175, Certificate 2588, which is a stockwater right in the NW¼SE¼ of said Section 6.³

III.

Protestant Cortney S. Dahl protested Application 59208 on the grounds that the Bureau of Land Management could not show beneficial use of this water as it owns no livestock or wildlife, that it is not charged with providing water for municipal use, and that the Federal Government should not own water in the State of Nevada.¹ Under Nevada law the United States is to be treated as any other person applying for the right to use the waters of the State.⁴ Application 59208 was filed to support a fire station and not for livestock, wildlife or municipal supplies. The State Engineer finds that the protest filed by Cortney S. Dahl does not

²State Engineer's Order No. 725, dated June 11, 1979, official records in the Office of the State Engineer.

³Official records of the Office of the State Engineer.

⁴NRS 533.010 and 534.014.

accurately address the nature of the application nor is supported by law.

IV.

Application 59208 is for a quantity of water not to exceed 5 acre-feet annually at a diversion rate of 0.1 cfs. Using the standard Theis Non-Equilibrium equation to estimate the drawdown of the water level from the continuous pumping of the proposed well at 0.1 cfs, and using conservative values of storativity (.001) and transmissivity (6684 SFD), the State Engineer finds that any drawdown of water levels would be negligible. The State Engineer further finds that the quantity of water applied for under Application 59208 is so minimal and the distance to surrounding wells so great that the chances of interference with existing rights is nil.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁵

II.

The State Engineer concludes from the drawdown analysis there will be no effect on existing water rights from the granting of Application 59208.

III.

In the interest of public welfare the State Engineer is authorized to designate preferred uses of water within a designated basin from which the ground water is being depleted, and in acting on applications to appropriate ground water he may designate such preferred uses.⁶ The State Engineer concludes that the quasi-municipal use under Application 59208 is a preferred use of water, and as noted by the National Park Service in the withdrawal of its

⁵NRS Chapters 533 and 534.

⁶NRS 534.120(2).

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protest, the fire station will provide needed resource protection and public safety.

RULING

The protest to Application 59208 is overruled and Application 59208 is granted subject to existing rights and payment of the statutory fees.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SJT/ab

Dated this 30th day of

APRIL, 1996.