

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

IN THE MATTER OF APPLICATION 62264. )  
FILED TO APPROPRIATE THE UNDERGROUND )  
WATERS OF THE OASIS VALLEY GROUNDWATER )  
BASIN (228), NYE COUNTY, NEVADA. )

RULING

**# 4556**

GENERAL

I.

Application 62264 was filed on June 25, 1996, by Springdale Ranches, Inc., to appropriate 0.20 cubic foot per second (cfs), not to exceed 5.0 acre feet annually (AFA), of the underground waters of the Oasis Valley Groundwater Basin, Nye County, Nevada, for commercial purposes at a proposed 20 unit motel, restaurant, truck stop with a mini-market, fuel pumps and casino located within portions of the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 31, T.10S., R.47E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 31.<sup>1</sup>

II.

Application 62264 was timely protested by the U.S. Department of Interior, National Park Service on the grounds that several sources of water within the Death Valley National Monument and Park would be diminished or impaired as a result of the appropriation proposed under Application 62264, and there is no unappropriated water available.<sup>1</sup> The National Park Service noted in its protest it would not make an appearance at any administrative hearing scheduled on its protest.

III.

The State Engineer initially designated and described the Oasis Valley Groundwater Basin on April 2, 1980, under the provisions of NRS § 534.030 as a basin in need of additional administration.<sup>2</sup> The point of diversion under Application 62264

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<sup>1</sup> File No. 62264, official records in the office of the State Engineer.

<sup>2</sup> State Engineer's Order No. 741, dated April 2, 1980, official records in the office of the State Engineer.

is within the designated portion of the Oasis Valley Groundwater Basin.

FINDINGS OF FACT

I.

The legislature has provided that in the interest of the public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated and from which the groundwater is being depleted, and in acting on applications the State Engineer may designate such preferred uses of the groundwater. The State Engineer finds that Application 62264 is for a preferred use of water in a designated groundwater basin and for a minimal quantity of water.

II.

The proposed point of diversion and place of use of Application 62264 is located approximately 7 miles from the boundaries of the Death Valley National Park. Using the standard Theis Non-equilibrium equation to estimate the drawdown of the water level from the pumping of the proposed well at 3.1 gallons per minute for 24 hours per day, and using conservative values of storativity (0.01) and transmissivity (2673 SFD), the State Engineer finds after pumping for a period of 10 years the drawdown of the groundwater level at a distance of 5,280 feet from the proposed point of diversion would be zero. The State Engineer further finds that the quantity of water applied for under Application 62264 is so minimal, and the distance to the Death Valley National Park great enough that the chances of interference with the protestant's water rights is nil.

III.

The State Engineer finds that there is no evidence on the record indicating that the approval of Application 62264 threatens to prove detrimental to the public interest.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action and determination.<sup>3</sup>

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters of Nevada where:<sup>4</sup>

- 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.

The drawdown analysis indicates that the pumping of ground water as proposed under Application 62264 will have no impact on the sources of water located in the Death Valley National Monument and Park. The State Engineer concludes that the approval of Application 62264 will not conflict with any existing rights.

IV.

The State Engineer concludes that the approval of Application 62264 does not threaten to prove detrimental to the public interest.

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<sup>3</sup> NRS Chapters 533 and 534.

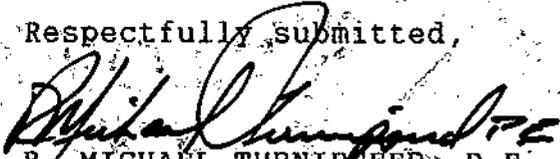
<sup>4</sup> NRS § 533.370.

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The protest to Application 62264 is 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/RKM/ab

Dated this 15th day of  
August, 1997.