

O R D E R

**ADOPTING RULES FOR WELL SPACING  
AND MODIFICATION OF REGULATIONS FOR  
WATER WELL AND RELATED DRILLING  
(JANUARY, 1990) IN THE NORTHERN  
AREA OF THE HERETOFORE DESIGNATED  
BOULDER FLAT GROUND WATER BASIN (4-61)  
ELKO AND EUREKA COUNTIES, NEVADA**

This Order is issued pursuant to Chapter 534 of Nevada Revised Statutes which authorizes the State Engineer to prescribe and adopt rules and regulations for the administration of groundwater. In accordance with statutory provisions the State Engineer gave due notice of a public hearing. The hearing was held on December 11, 1990, at Crescent Valley, Eureka County, Nevada to receive testimony and determine possible spacing requirements for pumping groundwater relating to mine dewatering in the northern portion of the Boulder Flat Ground Water Basin, Hydrographic Area (4-61). Upon full consideration of the evidence presented at the hearing and other relevant facts, the State Engineer finds that conditions warrant the adoption of spacing requirements and the modification of rules and regulations to accommodate the necessities and unique characteristics of mine dewatering within the following described area in the northern portion of the Boulder Flat Ground Water Basin (4-61).

T.35N., R.50E., M.D.B.&M.

All of Sections 2, 3, 4, 5 (unsurveyed), 8, 9, 10, 11, 15, 16, 17, 20, 21 and 22, and that portion of Sections 1, 14 and 23 lying within the natural drainage basin of Boulder Flat.

T.36N., R.49E., M.D.B.&M.

Elko County:

All of projected Sections 1, 2, 3, 10, 11 and 12; that portion of projected Sections 13, 14 and 15; that portion of unsurveyed Sections 4, 5, 7, 8, 9, 16 and 17 lying within the natural drainage basin of Boulder Flat; and that portion

of surveyed Section 18 lying within the natural drainage basin of Boulder Flat.

Eureka County:

All of Surveyed Section 21; all of projected Section 28; and all of unsurveyed Sections 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, 33, 34, 35 and 36.

T.36N., R.50E., M.D.B.&M.

Elko County:

That portion of unsurveyed Sections 15, 16, 17 and 18 lying within the natural drainage basin of Boulder Flat.

Eureka County:

All of Surveyed Section 31; that portion of unsurveyed T.36N., R.50E., lying within the natural drainage basin of Boulder Flat.

T.37N., R.49E., M.D.B.&M.

All of surveyed Sections 13 and 24; all of projected Sections 25, 26, 34, 35 and 36; and that portion of surveyed Sections 11, 12 and 14; lying within the natural drainage basin of Boulder Flat; that portion of projected Sections 22, 23, 27, 28 and 33 lying within the natural drainage basin of Boulder Flat.

The above described area is shown as Exhibit 6 (received into evidence at the December 11, 1990 hearing) a copy of which is attached hereto and fully incorporated herein by this reference.

Within the above-described area, the following rules shall apply:

1. Applications to appropriate underground water for mining, milling and dewatering purposes may be filed describing a point of diversion at or near the center of an area not to exceed 160 acres. Upon approval of any such application, wells may be located and drilled anywhere within said 160 acre area as required for mine dewatering purposes without filing for a temporary change of point of diversion. A change application shall be filed on or before January 15th of each year setting forth more exact location(s) of each then producing well drilled within any such 160 acre area during that year.


2. Cumulation and rotation procedures using her permits may be utilized to allow a maximum flow rate greater than the diversion rate for any single permit in a 160 acre area provided that the total combined diversion rate authorized under all related permits is not exceeded.

3. The following rules and regulations are modified or waived by this Order for mine dewatering permits within the area described in this Order:

a. NAC Section 534.300 is modified to allow for the drilling of alternate or replacement wells anywhere within a 160 acre area encompassing the originally described point of diversion for an application to appropriate.

b. NAC Sections 534.370 1. (a), 534.380, 534.410, 534.420, 534.427 and 534.430 are hereby waived except as provided for in Paragraph 4 of this Order.

4. This Order with the aforementioned waivers or modifications will apply only during mine dewatering operations. At the time of permanent cessation of mining activity, the requirements for permanent well closure shall apply to all wells drilled pursuant to this Order. Any well which is not permanently closed shall be modified, as necessary, to comply with all the applicable rules and regulations.

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

Dated at Carson City, Nevada

this 29TH day of MARCH, 1991.