

OF THE STATE OF NEVADA

ORDER

DESIGNATING AND DESCRIBING THE
OWYHEE RIVER AREA HYDROGRAPHIC BASIN (037)
IN ELKO COUNTY, NEVADA

WHEREAS, the State Engineer finds that conditions warrant the designation of the Owyhee River Area Hydrographic Basin, Elko County, Nevada, and by this Order designates the following described area of lands as a hydrographic basin coming under the provisions of NRS Chapter 534 (Underground Water and Wells):

T.47N., R.51E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35 and 36 and that portion of Sections 6, 7, 17, 18, 20, 29, 32 and 33 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.47N., R.52E., M.D.B.&M.

All Sections.

T.47N., R.53E., M.D.B.&M.

All of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33 and 34 and that portion of Sections 3, 10, 14, 15, 23, 26, 35 and 36 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.47N., R.54E., M.D.B.&M. (Unsurveyed)

That portion of Section 31 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.46N., R.54½E., M.D.B.&M. (Unsurveyed)

All of Section 31 and that portion of Sections 18, 19 and 30 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.46N., R.51E., M.D.B.&M.

All of Section 1 and that portion of Sections 2, 3, 4, 11 and 12 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.46N., R.52E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26, 35 and 36 and that portion of Sections 7, 8, 16, 17, 21, 22, 27 and 34 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.46N., R.53E., M.D.B.&M. (Partially Unsurveyed)

All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and that portion of Section 1 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.46N., R.54E., M.D.B.&M. (Unsurveyed)

All of Sections 7, 8, 14, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and that portion of Sections 4, 5, 6, 9, 10, 11, 12, 13, 15 and 24 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.46N., R.55E., M.D.B.&M.

That portion of Sections 19, 30 and 31 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.45N., R.52E., M.D.B.&M. (Partially Unsurveyed)

All of Sections 1, 12, 13, 24 and 25 and that portion of Sections 2, 3, 10, 11, 14, 23, 26, 35 and 36 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.45N., R.53E., M.D.B.&M.

All Sections.

T.45N., R.54E., M.D.B.&M.

All Sections.

T.45N., R.55E., M.D.B.&M.

All of Sections 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and that portion of Sections 6, 7, 8, 9, 10, 14, 15, 16, 23, 24 and 25 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.45N., R.56E., M.D.B.&M.

All of Sections 21, 22, 28, 29, 30, 31, 32 and 33 and that portion of Sections 14, 15, 16, 17, 19, 20, 23, 24, 25, 26, 27 and 34 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.44N., R.52E., M.D.B.&M.

That portion of Section 1 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.44N., R.53E., M.D.B.&M. (Partially Unsurveyed)

All of Sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 35 and 36 and that portion of Sections 6, 7, 18, 19, 28, 29, 30, 32, 33 and 34 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.44N., R.54E., M.D.B.&M.

All Sections.

T.44N., R.55E., M.D.B.&M.

All Sections.

T.44N., R.56E., M.D.B.&M.

All of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31, 32 and 33, and that portion of Sections 3, 10, 14, 15, 23, 26, 27 and 34 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.43N., R.53E., M.D.B.&M.

All of Sections 1, 2, 12, 13 and 24 and that portion of Sections 3, 10, 11, 14, 15, 22, 23, 25, and 26 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.43N., R.54E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35 and 36 and that portion of Sections 29, 30, 32 and 33 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.43N., R.55E., M.D.B.&M.

All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 and that portion of Section 36 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.43N., R.56E., M.D.B.&M.

All of Sections 4, 5, 6, 7, 8, 9 and 10 and that portion of Sections 2, 3, 11, 14, 15, 16, 17, 18, 19, 30 and 31 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.42N., R.54E., M.D.B.&M.

All of Section 1 and that portion of Sections 2, 3, 4, 11 and 12 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

T.42N., R.55E., M.D.B.&M.

All of Sections 2, 3, 4, 5, 6, 8, 9, 10, 14, 15, 16, 22 and 23 and that portion of Sections 1, 7, 11, 12, 13, 17, 18, 20, 21, 24, 25, 26, 27, 28 and 34 lying within the Natural Drainage Basin of the Owyhee River Area Hydrographic Basin.

WHEREAS, this Order hereby excludes any and all lands within the boundary of the Duck Valley Indian Reservation per Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation and the Upstream Water Users, East Fork Owyhee River (Agreement). The designated Owyhee River Area Hydrographic Basin is depicted and defined on Nevada Division of Water Resources, State Engineer's office maps.

WHEREAS, A public hearing as required under NRS § 534.030, in the matter of the designation of the Owyhee River Area Hydrographic Basin was held in Elko, Nevada, on September 4, 2009. Based on information received at the hearing and other data and information available to the State Engineer and the Agreement, it is determined that this ground-water basin is in need of additional administration under the provisions of NRS Chapter 534.

NOW, THEREFORE, it is ordered that, with the following exceptions, any application filed to appropriate water from the ground-water source pursuant to Chapter 534 within the designated Owyhee River Area Hydrographic Basin will be denied:

EXCEPTIONS:

1. Those applications filed for supplemental irrigation by upstream water users as defined in Article V, Section 3.b of the *Agreement to Establish the Relative Water Rights of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation and the Upstream Water Users, East Fork Owyhee River*, not to exceed 1,500 acre-feet and any such wells must be sealed to a minimum depth of 100 feet.
2. Those applications for environmental permits filed pursuant to NRS § 533.437.
3. Those applications filed for water from the geothermal aquifer.
4. Those applications for any purpose except irrigation and mining and milling which seek to appropriate 2.0 acre feet per year or less.
5. Mining and milling applications for which the period of use is temporary in nature and restricted to such purpose only.


 TRACY TAYLOR, P.E.
 State Engineer

Dated at Carson City, Nevada this

____ 29th ____ day of _____ September _____, 2009.