

IN THE MATTER OF APPLICATION 37231 TO )  
APPROPRIATE WATER FROM AN UNDERGROUND )  
SOURCE IN THE ELY AREA OF STEPTOE )  
VALLEY, WHITE PINE COUNTY, NEVADA )

RULING

179  
INTRODUCTION

In 1967, Water Resources - Reconnaissance Series Report 42, "Water Resources Appraisal of Steptoe Valley, White Pine and Elko Counties, Nevada" was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the U.S. Department of the Interior, Geological Survey. This report may be viewed at the office of the State Engineer.

FINDINGS OF FACT

I

Application 37231 was filed by George J. Allen on March 27, 1979, to appropriate 5.4 cfs of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 13, T.17N., R.63E., M.D.B.&M. and the place of use is 320 acres within the SE $\frac{1}{4}$ , Section 13 and the NE $\frac{1}{4}$ , Section 24, T.17N., R.63E., M.D.B.&M. 1/

II

By an Order dated September 21, 1979, the State Engineer designated and described the Steptoe Valley Ground Water Basin as a ground water basin coming under the provisions of NRS 534.

By an Order dated August 21, 1980, the State Engineer declared the irrigation of additional land to be a non-preferred use of the limited ground water resource in the following described area of the Steptoe Valley Designated Ground Water Basin:

All of T.16N., R.63E.,

All of T.17N., R.63E.,

W $\frac{1}{2}$  of T.17N., R.64E.,

S $\frac{1}{2}$  of T.18N., R.63E.,

Sections 19, 20, 21, 28, 29, 30, 31, 32 and 33.  
T.18N., R.64E., M.D.B.&M.

The purpose of the Order was to safeguard the municipal, quasi-municipal and domestic ground water supplies of the residents of Ely and Steptoe Valley. The point of diversion under Application 37231 lies within this area of curtailment. 2/

III

Seventy-four permits and certificates have been issued to appropriate over 15,000 acre-feet of ground water annually from the area of curtailment for municipal, quasi-municipal, commercial, mining, industrial, recreation, irrigation and domestic purposes. 3/ There are additional domestic wells in the area that do not require permits.

IV

Application 37231 is to irrigate 320 acres of land. Granting a permit would allow an additional 1280 acre-feet of water annually to be diverted in an area of concentrated development which includes the municipal well field of the City of Ely. 4/

V

Applications to irrigate in the area of curtailment have been denied. 5/

CONCLUSIONS

The State Engineer has jurisdiction of the parties and the subject matter of this action. 6/

II

The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest. 7/

III

The State Engineer is authorized and directed to designate preferred uses of water within designated ground water basins such as the Steptoe Valley Ground Water Basin. 8/ The consumptive use of additional ground water to irrigate additional land or to more intensively or frequently irrigate other land is not considered to be a preferred use of the limited water resources of the area of curtailment within the Steptoe Valley Ground Water Basin.

RULING

Application 37231 is denied on the grounds that the proposed appropriation of additional ground water for irrigation as applied for would conflict with and tend to impair the value of existing rights and threaten to prove detrimental to the public interest and welfare.

Respectfully submitted,

  
Peter G. Morros  
State Engineer

PGM/HR/lp

Dated this 18th day of  
August, 1981.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer, see Orders #731 and #754.
3. Public records in the office of the State Engineer. See August 20, 1980, Abstract of Ely Sub-Basin.
4. Public records in the office of the State Engineer. See August 20, 1980, Abstract of Ely Sub-Basin.
5. Public records in the office of the State Engineer. See denied Applications 32270, 32818, 32826, 32830, 32832, 32833, 32858, 32859, 32974, 32975, 32976, 32977, 32978, 32979, 32980, 32981, 32982, 32983, 32984, 32985, 32986, 32987, 33062, 33122, 33176, 33198, 33203, 33204, 33237, 33489, 33798, 34473, 34867, 34920, 35233, 35691, 36153, 36900, 37130, 37131, 37232, 37252, 37591, 38235, 38319, 38327, 38682 and 40546.
6. NRS 533.025 and NRS 533.030, subsection 1.
7. NRS 533.370, subsections 1 and 4.
8. NRS 534.120, subsection 2.