

IN THE MATTER OF APPLICATIONS 47433)
AND 47434 FILED TO APPROPRIATE)
UNDERGROUND WATER IN SODA SPRING)
VALLEY (EASTERN PART), MINERAL COUNTY,)
NEVADA)

R U L I N G

INTRODUCTION

In 1970, Water Resources Bulletin No. 52, "Water Resources Appraisal of the Columbus Salt Marsh-Soda Spring Valley area, Mineral and Esmeralda Counties, Nevada," by A. S. Van Denburgh and Patrick A. Glancy, 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 State Engineer's Office.

FINDINGS OF FACT

I.

Application 47433 was filed by Everett Loving on November 18, 1983 to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 8, T. 6 N, R. 35 E, M.D.B. & M. The place of use is 340 acres within portions of Section 5 and Section 8, T. 6 N, R. 35 E, and portions of Section 32, T. 7 N, R. 35 E, M.D.B. & M.

Application 47434 was filed by Everett Loving on November 18, 1983 to appropriate 6.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 5, T. 6 N, R. 35 E, M.D.B. & M. The place of use is 320 acres within portions of Section 5, T. 6 N, R. 35 E, and portions of Section 32, T. 7 N, R. 35 E, M.D.B. & M.

II.

The perennial yield of a basin area is the maximum amount of water that can be withdrawn from the ground-water system for an indefinite period of time without causing a permanent depletion of the stored water or causing a deterioration in the quality of the water. It is ultimately limited by the amount of water annually recharged to or discharged from the ground-water system. 1/

The perennial yield of the Soda Spring Valley (Eastern Part) ground-water reservoir is estimated by the U.S. Geological Survey to be 600 acre-feet of water per year. 2/

III.

Permits and certificates have been issued in the Soda Spring Valley (Eastern Part) that are prior in time to the above-mentioned applications and could be developed to extract over 1,500 acre-feet of ground water per year. 3/

IV.

On April 28, 1981, the State Engineer denied applications to appropriate ground water for irrigation purposes on additional land within the basin totalling 3,680 acres which could extract 14,720 acre-feet of ground water per year if fully developed. 4/

By an Order dated September 9, 1983, the State Engineer designated and described the Eastern portion of Soda Spring Valley Ground Water Basin under the provisions of NRS 534 (Conservation and Distribution of Underground Waters). 5/

The State Engineer is authorized and directed to designate preferred uses of water within designated ground-water basins. 6/ The State Engineer, by Order No. 824, declared the irrigation of additional land using underground water within the Soda Spring Valley (Eastern Part) Ground Water Basin is not considered to be a preferred use of the limited underground-water resource and applications to appropriate water for irrigation will be denied.

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 7/
2. The State Engineer is authorized to deny applications prior to publication. 8/
3. The State Engineer is prohibited by law from granting a permit where:
 - A. There is no unappropriated water in the proposed source, or
 - B. The proposed use conflicts with existing rights, or
 - C. The proposed use threatens to prove detrimental to the public welfare. 9/

4. Existing water rights for ground water in the Soda Spring Valley (Eastern Part) exceed the estimated perennial yield of the Soda Spring Valley (Eastern Part) ground-water reservoir. These applications are for irrigation of 660 acres and if permits were issued, an additional 2,640 acre-feet of ground water could be withdrawn annually.

RULING

Applications 47433 and 47434 are herewith denied on the following grounds:

1. Proposed use would conflict with existing rights.
2. Proposed use threatens to prove detrimental to the public welfare.
3. Irrigation is not a preferred use within the Soda Spring Valley (Eastern Part) Ground Water Basin.

Respectfully submitted,



PETER G. MORROS,
State Engineer

PGM/SF*jm

DATED: This 1st day of
March, 1984.

NOT

FOOTNOTES

1. Water Resources - Reconnaissance Series Report No. 52, page 42.
2. Water Resources - Reconnaissance Series Report No. 52, pp. 2 and 43.
3. Public records located within the Office of the State Engineer.
4. State Engineer Ruling No. 2640.
5. State Engineer Order No. 824.
6. NRS 534.120, , subsection 2.
7. NRS 533.025 and NRS 533.030, subsection 1.
8. NRS 533.370, subsection 3.
9. NRS 533.370, subsection 4.