

IN THE MATTER OF APPLICATION 47687)
TO APPROPRIATE UNDERGROUND WATER)
IN CRESCENT VALLEY, EUREKA AND)
LANDER COUNTIES, NEVADA)

R U L I N G

INTRODUCTION

In 1961, Water Resource Bulletin No. 15, "Ground Water Potentialities in the Crescent Valley, Eureka and Lander Counties, Nevada" by C. P. Zones, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and U.S. Department of Interior, Geological Survey. This report may be viewed at the State Engineer's office.

FINDINGS OF FACT

I.

Application 47687 was filed by William L. and Jerry Lee Wilson on February 14, 1984 to appropriate 2.4c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T.29N., R.38E., M.D.B.&M. and the place of use is 106.0 acres within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, T.29N., R.48E., M.D.B.&M.

II.

The perennial yield from the Crescent Valley Groundwater Basin is estimated to be 14,000 acre-feet of water per year. 1/

III.

The perennial yield of a groundwater basin may be defined as the maximum amount of water of usable chemical quality that can be withdrawn and consumed economically each year for an indefinite period of time. If the perennial yield is continually exceeded, water levels will decline until the groundwater basin is depleted of water of usable quality or until the pumping lifts become economically unable to maintain.

IV.

Permits and certificates have been issued in Crescent Valley which could be used to divert over 27,000 acre-feet per year from the groundwater reservoir. 3/

V.

Fifty-four applications to appropriate underground water to irrigate additional land have been denied in Crescent Valley. 4/

VI.

The State Engineer described and designated Crescent Valley basin on March 20, 1981 as a basin in need of additional administration under the provisions under NRS Chapter 534. 5/

VII.

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 6/
2. 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 welfare, or.
 - D. Where a previous application for a similar use of water within the same basin has been rejected on these grounds, the new application may be denied without publication. 7/
3. Existing water rights for groundwater in Crescent Valley exceed the estimated perennial yield for the Crescent Valley Groundwater basin. This application is to irrigate an additional 106.0 acres, and if a permit was issued, an additional 424.0 acre-feet of groundwater could be diverted annually.

RULING

Application 47687 is denied on the grounds that to grant an additional water right under the subject application will conflict with existing water rights and be detrimental to the public interest and welfare.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/MFD/dcb

Dated this 11th day of

April, 1984.

FOOTNOTES

1. "Ground-Water Potentialities in the Crescent Valley, Eureka and Lander Counties, Nevada," Water Resource Bulletin No. 15, C.P. Zones, U.S. Geological Survey, 1961, pages 20 and 24.
2. Water Supply Paper 1832, Page 39. U.S. Geological Survey, NRS 534.110 (4).
3. Public records located within the office of the State Engineer.
4. Public records located within the office of the State Engineer. See denied Applications 36535, 36536, 36537, 36538, 36539, 36540, 37866, 37869, 38569, 39187, 39188, 39591, 39592, 39721, 39722, 39723, 39738, 39739, 39740, 39741, 39746, 39750, 39751, 39752, 40370, 40371, 40373, 40374, 40375, 40376, 40449, 39186, 39478, 42147, 42148, 42149, 42150, 42151, 42152, 42153, 42615, 42616, 42617, and 42618.
5. Public record in office of State Engineer, NRS 534, Order No. 755.
6. NRS 533.025 and 533.030, Subsection 1.
7. NRS 533.370, subsection 3.