

IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 57577)  
FILED TO APPROPRIATE THE WATERS OF)  
AN UNDERGROUND SOURCE IN MASON )  
VALLEY (108), LYON COUNTY, NEVADA.)

RULING

# 4308

GENERAL

I.

Application 57577 was filed on May 1, 1992, by Pitchfork Ranch, Inc. to appropriate 6.0 cubic feet per second (cfs), not to exceed 2,200 acre-feet annually (AFA) of water from an underground source for supplemental emergency and drought relief irrigation and domestic purposes. The proposed point of diversion is located within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, T.11N., R.26E., M.D.B.&M. The proposed place of use is approximately 1,300 acres located within portions of Sections 29, 30, 31, 32 and 33, T.12N., R.26E., M.D.B.&M., and portions of Sections 4, 5, 9, 10, 14 and 15, T.11N., R.26E., M.D.B.&M.<sup>1</sup>

II.

Water Resources Bulletin No. 38, "Water Resources and Development in Mason Valley, Lyon and Mineral Counties, Nevada, 1948-65", was cooperatively prepared in 1969 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 describes the geologic and hydrologic properties of aquifers in the valley, makes estimates of inflow and outflow water budgets and long-term and drought-period system yields, and evaluates the effects of increased supplemental pumping on ground and surface waters.

III.

In accordance with NRS 534.034, on January 20, 1977, the State Engineer after determining that the Mason Valley Groundwater Basin

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<sup>1</sup> File No. 57577, official records of the Office of the State Engineer.

was being depleted, designated and described the basin as one in need of additional administration.<sup>2</sup>

FINDINGS OF FACT

I.

The proposed point of diversion under Application 57577 is located within the designated Mason Valley Groundwater Basin.<sup>1,2</sup> The quantity of water already appropriated from this basin is approximately 150,000 AFA<sup>3</sup> and the amount of water diverted from the groundwater aquifer has increased over the years to an estimated 102,000 AFA in 1994.<sup>4</sup> Both appropriations and pumpage exceed the perennial yield of 25,000 AFA.<sup>5</sup> The State Engineer finds that the groundwater level has dropped approximately 22 feet in the immediate area of Application 57577 in the time period 1986 to 1994.<sup>6</sup> Some wells owned by holders of existing water rights have been drilled deeper or plugged and re-drilled to ensure adequate water supply.<sup>7</sup> The State Engineer finds that approving Application 57577, which seeks to appropriate additional groundwater, would tend to further lower the groundwater table,

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<sup>2</sup> State Engineer's Order No. 627, dated January 20, 1977, and Order No. 691, dated September 7, 1977, official records of the Office of the State Engineer.

<sup>3</sup> Hydrographic Basin Abstract 9-108, official records of the Office of the State Engineer.

<sup>4</sup> Division of Water Resources 1994 pumpage inventory, Basin 9-108, official records of the Office of the State Engineer.

<sup>5</sup> Water Resources Bulletin No. 38, p. 57.

<sup>6</sup> Mason Valley water level measurements, official records of the Office of the State Engineer, well locations at NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 1, T.11N., R.25E., M.D.B.&M; NW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 10, T.11N., R.25E., M.D.B.&M; SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 35, T.12N., R.25E., M.D.B.&M.

<sup>7</sup> Well Completion Reports, and Well Driller's data base, official records of the Office of the State Engineer, Permit 18707, SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 1, T.11N., R.25E., M.D.B.&M., and Permit 13789, SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 35, T.12N., R.25E., M.D.B.&M.

causing hardship to water right holders and conflicting with existing rights and threatening to prove detrimental to the public interest.

II.

The State Engineer has denied previous applications to appropriate groundwater from the Mason Valley Basin on the grounds that granting permits for the proposed appropriations would impair the value of existing rights and would be detrimental to the public interest. See, for example, State Engineer Ruling Nos. 2231, 2277, 2278, 2880, 2975 and 3828.<sup>8</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>9</sup>

II.

The State Engineer is prohibited by law from granting a permit where:<sup>10</sup>

- 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.

III.

The State Engineer concludes that to grant a permit for Application 57577 for additional consumption of groundwater from a source that is already being depleted and in an area with a rapidly declining water table causing additional pumpage from the area

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<sup>8</sup> State Engineer Ruling Nos. 2231, dated August 5, 1977; 2277, dated November 21, 1977; 2278, dated November 22, 1977; 2880, dated March 6, 1984; 2975, dated July 9, 1984 and 3828, dated September 5, 1991, official records of the Office of the State Engineer.

<sup>9</sup> NRS Chapters 533 and 534.

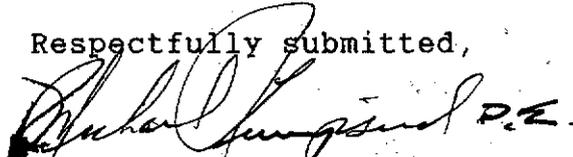
<sup>10</sup> NRS 533.370(3).

would conflict with existing rights and threaten to prove detrimental to the public interest.

RULING

Application 57577 is hereby denied on the grounds that the granting of this application for appropriation of groundwater in this basin would tend to conflict with existing rights and otherwise threaten to prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/CAB/ab

Dated this 8th day of  
March, 1996.