

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

IN THE MATTER OF APPLICATION 55433)
FILED TO APPROPRIATE THE PUBLIC WATERS)
FROM AN UNDERGROUND SOURCE WITHIN THE)
WINNEMUCCA SEGMENT GROUNDWATER BASIN,)
(70) HUMBOLDT COUNTY, NEVADA.)

RULING

4316

GENERAL

I.

Application 55433 was filed on November 1, 1990, by Tony J. Santos to appropriate 1.0 cubic feet per second (cfs) of water from the underground waters of the Winnemucca Segment Groundwater Basin, Humboldt County, Nevada, for irrigation and domestic purposes for use within NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, T.36N., R.37E., M.D.B.&M. The point of diversion is described as being an existing well located within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 26.¹ The application indicated it was filed to replace Permit 31078 cancelled in 1978.

II.

Application 31078 was filed on February 9, 1977, by Tony J. Santos to change the point of diversion of Permit 28217. Application 31078 was subsequently permitted on July 18, 1977; however, the permit was cancelled on April 18, 1978, for failure of the permittee to file the required proofs of commencement, completion of well and proof of beneficial use as required under the terms of Permit 31078.² No appeal of the cancellation was made.

III.

The State Engineer initially described and designated the Winnemucca Segment Groundwater Basin on July 24, 1972, under the provisions of NRS 534.030, as a basin in need of additional

¹ File No. 55433, official records of the Office of the State Engineer.

² File No. 31078, official records of the Office of the State Engineer.

administration.³ By Order dated May 6, 1975, the State Engineer subsequently expanded the area designated and described.⁴ The proposed point of diversion under Application 55433 is located within the boundaries of the designated Winnemucca Segment Groundwater Basin.

FINDINGS OF FACT

I.

The perennial yield of a hydrologic basin is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. Perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural recharge that can be salvaged for beneficial use. If the perennial yield is continually exceeded groundwater levels will decline until the groundwater reservoir is depleted.⁵ Withdrawals of groundwater in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of groundwater gradients which could result in significant changes in the recharge-discharge relationship.

The United States Geological Survey estimates that the perennial yield of the Winnemucca Segment Groundwater Basin is 17,000 acre-feet annually.⁶ Existing permits and certificates of record at the State Engineer's Office for groundwater withdrawal

³ State Engineer's Order No. 464, dated July 24, 1972, official records in the Office of the State Engineer.

⁴ State Engineer's Order No. 534, dated May 6, 1975, official records in the Office of the State Engineer.

⁵ State Engineer's Office, WATER FOR NEVADA, STATE OF NEVADA WATER PLANNING REPORT NO. 1, p. 13, Oct. 1971.

⁶ Nowlin, Jon, GROUND-WATER QUALITY IN NEVADA - A PROPOSED MONITORING PROGRAM, Open File Report 78-768, U.S.G.S., p. 193.

within the Winnemucca Segment Groundwater Basin exceeds 23,738 acre-feet annually.⁷ The State Engineer finds that the quantity of water already appropriated from the Winnemucca Segment Groundwater Basin exceeds the perennial yield.

II.

The approval of Application 55433 would further increase pumpage from the already over-appropriated groundwater basin. The State Engineer finds that the approval of Application 55433 would conflict with the many existing rights in the basin.

III.

The State Engineer finds that applications for irrigation purposes have previously been denied in the Winnemucca Segment Groundwater Basin.⁸

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action.⁹

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.¹⁰

⁷ Hydrographic basin summary, water rights database, official records in the Office of the State Engineer.

⁸ See denied Applications 41530, 41531, 42887 and 42888.

⁹ NRS Chapters 533-534.

¹⁰ NRS 533.370.

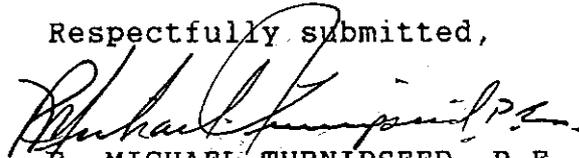
III.

The State Engineer concludes that to grant a permit for Application 55433 in a basin where the quantity of water under existing appropriations exceeds the perennial yield would conflict with existing rights and be detrimental to the public interest.

RULING

Application 55433 is hereby denied on the basis that granting the application would interfere with existing rights and be detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/SJT/ab

Dated this 28th day of
March, 1996.