

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

IN THE MATTER OF APPLICATIONS 58998, )  
58999, 59000, 59001, 59002, 59003, )  
59004 AND 59005 FILED TO APPROPRIATE )  
THE WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE CHURCHILL VALLEY GROUNDWATER )  
BASIN, (102) STOREY, CHURCHILL AND LYON )  
COUNTY, NEVADA. )

RULING

# 4329

GENERAL

I.

Applications 58998 through 59005, inclusive, were filed on July 14, 1993, by Pegasus Gold Corporation, each to appropriate 1.0 cubic feet per second (cfs) of underground water with a total combined annual duty of 1,577 million gallons annually. The proposed manner and place of use is for mining, milling, domestic and dewatering purposes within Sections 2, 3, 10 and 11, T.18N., R.24E., and Sections 33, 34 and 35, T.19N., R.24E. All of the proposed points of diversion are described as being within Section 3, T.18N., R.24E.<sup>1</sup>

II.

By Order No. 689, dated August 23, 1977, the State Engineer designated and described the Churchill Valley Groundwater Basin under the provisions of NRS 534.030, as a basin in need of additional administration.<sup>2</sup>

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. The perennial yield cannot exceed the natural replenishment to an area

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<sup>1</sup> File Nos. 58998, 58999, 59000, 59001, 59002, 59003, 59004 and 59005, official records of the Office of the State Engineer.

<sup>2</sup> State Engineer's Order No. 689, dated August 23, 1977, official records of the Office of the State Engineer.

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. 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.<sup>3</sup>

The United States Geological Survey estimates that the perennial yield of the Churchill Valley Groundwater Basin is 1,600 acre-feet annually.<sup>4</sup>

## II.

The State Engineer finds that existing certificated and permitted groundwater rights in the Churchill Valley Groundwater Basin exceed 8,500 acre feet annually,<sup>5</sup> and that existing groundwater rights in the Churchill Valley Groundwater Basin exceed the perennial yield of the basin.

## III.

The State Engineer finds that Applications 58998 through 59005 propose to divert an additional 1,577 million gallons annually from the Churchill Valley Groundwater Basin.

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<sup>3</sup> State Engineer's Office, Water for Nevada, State of Nevada Water Planning Report No. 3, p. 13, October 1971.

<sup>4</sup> Nowlin, Jon, Ground-water Quality in Nevada - A Proposed Monitoring Program. Open File Report 78-768, U.S.G.S., p. \_\_\_\_.

<sup>5</sup> Hydrographic Basin Abstract, Basin 10-149, official records of the Office of the State Engineer.

CONCLUSIONS

I.

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

II.

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

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public interest.<sup>7</sup>

III.

The State Engineer concludes that existing groundwater rights exceed the estimates of perennial yield in the Churchill Valley Groundwater Basin and that to approve an additional appropriation under Applications 58998 through 59005 from the limited groundwater reservoir would adversely affect existing rights and be detrimental to the public interest.

RULING

Applications 58998, 58999, 59000, 59001, 59002, 59003, 59004 and 59005 are hereby denied on the grounds that granting of the

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<sup>6</sup> NRS Chapters 533 and 534.

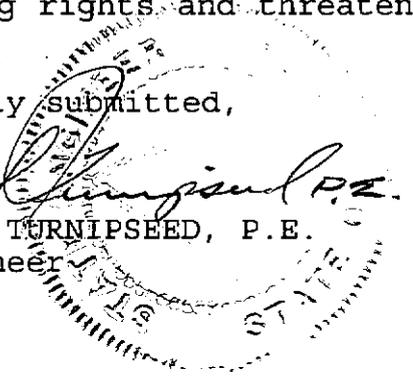
<sup>7</sup> NRS 533.370(3).

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

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer



RMT/MDB/ab

Dated this 26th day of  
April, 1996.