

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

IN THE MATTER OF APPLICATIONS 61462)
AND 61463 FILED TO APPROPRIATE THE)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE CHURCHILL VALLEY)
GROUNDWATER BASIN (102), LYON)
COUNTY, NEVADA.)

RULING

4396

GENERAL

I.

Application 61462 was filed on August 14, 1995, by the Silver Springs Mutual Water Company to appropriate 2.0 cubic feet per second (cfs) of water from an underground source for quasi-municipal purposes within portions of Sections 24, 25, 26, 34, 35 and 36, T.18N., R.24E., M.D.B.&M. and portions of Sections 18, 19 and 30, T.18N., R.25E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T.18N., R.24E., M.D.B.&M.¹

II.

Application 61463 was filed on August 14, 1995, by the Silver Springs Mutual Water Company to appropriate 2.0 cfs of water from an underground source for quasi-municipal purposes within portions of Sections 24, 25, 26, 34, 35 and 36, T.18N., R.24E., M.D.B.&M. and portions of Sections 18, 19 and 30, T.18N., R.25E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 30, T.18N., R.24E., M.D.B.&M.²

III.

Applications 61462 and 61463 were timely protested by the Truckee-Carson Irrigation District on the grounds that, the applications, if granted, would tend to adversely affect existing water rights since the diversions would consumptively use water

¹File No. 61462, official records in the Office of the State Engineer.

²File No. 61463, official records in the Office of the State Engineer.

from a groundwater basin which has been fully appropriated and designated by the State Engineer.^{1,2}

IV.

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.³ The proposed points of diversion under the applications are within the designated area.

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 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.⁴ The United States Geological Survey estimates that the perennial yield of the Churchill Valley Groundwater Basin is 1,600 acre-feet annually.⁵

³State Engineer's Order No. 689, dated August 23, 1977, official records in the Office of the State Engineer.

⁴State Engineer's Office, WATER FOR NEVADA, STATE OF NEVADA WATER PLANNING REPORT NO. 3, p. 13, October 1971.

⁵Nowlin, Jon, GROUNDWATER QUALITY IN NEVADA - A PROPOSED MONITORING PROGRAM, Open File Report 78-768 U.S.G.S.

II.

The State Engineer finds that existing certificated and permitted groundwater rights in the Churchill Valley Groundwater Basin exceed 9,400 acre-feet annually⁶, and that existing groundwater rights in the Churchill Valley Groundwater Basin exceed the perennial yield of the basin.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action.⁷

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.⁸

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 61462 and 61463 from the limited groundwater reservoir would adversely affect existing rights and be detrimental to the public interest.

⁶Hydrographic Basin Abstract, Basin 102, official records in the Office of the State Engineer.

⁷NRS Chapters 533 and 534.

⁸NRS 533.370(3).

RULING

Applications 61462 and 61463 are hereby denied on the grounds that granting of the applications would conflict with existing rights and threaten to prove detrimental to the public interest. No ruling is made as to the merits of the protests.

Respectfully submitted,



R MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 7th day of
August, 1996.