

IN THE OFFICE OF STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 45535)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE BUENA VISTA VALLEY)
GROUNDWATER BASIN (129), PERSHING)
COUNTY, NEVADA.)

RULING

4710

GENERAL

I.

Application 45535 was filed on April 14, 1982, by Lane Duncan to appropriate 10.0 cubic feet per second of water from an underground source for the irrigation of approximately 960 acres of land located within the S½ of Section 4, the W½ of Section 9, and the N½ of Section 10, T.30N., R.35E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ NW¼ of said Section 9.¹

FINDINGS OF FACT

I.

By Order No. 732, the State Engineer designated and described the Buena Vista Valley Groundwater Basin under the provisions of NRS § 534.030 as a basin in need of additional administration.² The State Engineer finds that the proposed point of diversion and place of use proposed under Application 45535 are within the designated groundwater basin.

¹ File No. 45535, official records in the office of the State Engineer.

² State Engineer's Order No. 732 issued on October 2, 1979, official records in the office of the State Engineer.

II.

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 ground water 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.³

The United States Geological Survey estimates that the perennial yield of the Buena Vista Valley Groundwater Basin is 10,000 acre-feet annually.⁴ The committed groundwater resource in the form of permits and certificates issued by the State Engineer's office for groundwater withdrawal within the Buena Vista Valley Groundwater Basin currently exceeds 23,970 acre-feet.⁵ The State Engineer finds that the committed groundwater

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

⁴ O.V. Loeltz and D.A. Phoenix, Geology and Ground-Water Resources of Buena Vista Valley, Pershing County, Nevada, Water Resources Bulletin No. 13, State of Nevada, Office of the State Engineer and U.S. Geological Survey 1955, page 27.

⁵ Nevada Division of Water Resources Water Rights Database, Special Hydrographic Basin Abstract, Basin 129, March 8, 1999, official records in the office of the State Engineer.

resource of the Buena Vista Valley Groundwater Basin currently exceeds its perennial yield.

III.

Applications which requested a permanent appropriation of underground water for irrigation purposes within the Buena Vista Valley Groundwater Basin have been denied by the State Engineer since April 9, 1976. These denials were based on the grounds that the withdrawals of additional groundwater in a basin in which appropriations of groundwater substantially exceed the perennial yield of the basin would adversely affect existing rights and be detrimental to the public interest.⁶ The State Engineer finds that Application 45535 was filed to appropriate underground water for a similar use and in the same hydrologic basin as applications which have been denied in the past.

IV.

Application 45535 was filed to appropriate 3,840 acre-feet annually of underground water from the Buena Vista Valley Groundwater Basin. The State Engineer finds that the approval of Application 45535 from a groundwater basin where the committed groundwater resource exceeds the perennial yield of the groundwater basin would conflict with the many existing water rights in the Buena Vista Valley Groundwater Basin.

CONCLUSIONS

I.

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

⁶ State Engineer's Ruling Nos. 2199, 2741, 2757, 2782, 2984, 2998, and 3169, official records in the office of the State Engineer.

⁷ NRS Chapters 533 and 534.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:⁷

- 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 under Application 45535 in a groundwater basin where the quantity of water under existing appropriations exceeds the perennial yield would conflict with existing rights within the Buena Vista Valley Groundwater Basin and would threaten to prove detrimental to the public interest.

RULING

Application 45535 is hereby denied on the grounds that granting the application would interfere with existing rights and would prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.

State Engineer

RMT/MDB/cl

Dated this 23rd day of
March, 1999.