

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

IN THE MATTER OF APPLICATION 65675)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE SODA SPRING VALLEY-)
EASTERN PART HYDROGRAPHIC BASIN)
(121-A), MINERAL COUNTY, NEVADA.)

RULING

4911

GENERAL

I.

Application 65675 was filed on November 29, 1999, by Wilfred Buffington to appropriate 1.0 cubic foot per second of underground water for the irrigation of 80 acres (or less) of land that is located within the SW1/4 NE1/4 and the NW1/4 SE1/4 of Section 25, T.7N., R.34E., M.D.B.&M. The proposed point of diversion is described as being located within the NW1/4 SE1/4 of said Section 25.¹

FINDINGS OF FACT

I.

By State Engineer's Order Number 824, issued on September 9, 1983, the State Engineer described and designated a portion of the Eastern Soda Springs Valley Hydrographic Basin as a hydrographic basin in need of additional administration under the provisions of NRS Chapter 534.² The State Engineer finds that the proposed point of diversion and place of use described under Application 65675 are within the designated portion of the Eastern Soda Spring Valley Hydrographic Basin.

II.

Under the guidelines established by this order, any new requests for additional appropriations of underground water for irrigation purposes would be denied by the State Engineer on the

¹ File Number 65675, official records in the office of the State Engineer.

² State Engineer's Order Number 824, dated September 9, 1983, official records in the office of the State Engineer.

grounds that irrigation was not recognized by the State Engineer as a preferred use of the groundwater basin's limited water resources. The State Engineer finds that Application 65675 requests a new appropriation of underground water for a non-preferred manner of use, which is currently not permitted within the designated portion of the Eastern Soda Springs Valley Hydrographic Basin.

III.

Under the provisions of NRS § 533.370(3), if a previous application for a similar use of water within the same basin has been rejected because its approval would conflict with existing rights or threaten to prove detrimental to the public interest, the new application may be denied without publication. At least nineteen previous applications that requested appropriations of underground water from the Eastern Soda Springs Valley Hydrographic Basin for irrigation purposes have been denied by the State Engineer on the grounds that their approval would conflict with existing water rights.³ The State Engineer finds that Application 65675 requests an appropriation of underground water for a manner of use that has previously been denied within the Soda Spring Valley Eastern Part Hydrographic Basin.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and subject matter of this action and determination.⁴

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁵

³ File Numbers 32156, 32157, 32158, 32159, 32160, 32324, 32325, 32326, 32329, 32426, 32427, 32451, 32452, 32453, 32454, 32697, 32931, 47433 and 47434 official records in the office of the State Engineer.

⁴ NRS chapters 533 and 534.

⁵ NRS § 533.370(3).

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights; or
- C. the proposed use threatens to prove detrimental to the public interest.

III.

Application 65675 was filed to appropriate 1.0 cfs of underground water for irrigation purposes within the Eastern Soda Spring Valley Hydrographic Basin. Under the provisions established under State Engineer's Order Number 824 any application that requests a new appropriation of underground water from the Eastern Soda Spring Hydrographic Basin for irrigation purposes will be denied by the State Engineer. The State Engineer concludes that Application 65675 must be denied in accordance with State Engineer's Order Number 824.

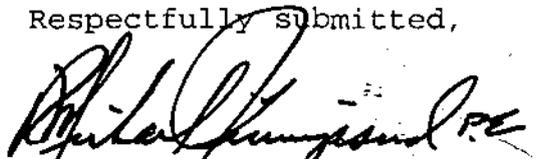
IV.

Previous applications that requested appropriations of underground water for irrigation purposes within the Eastern Soda Spring Hydrographic Basin have been denied by the State Engineer on the grounds that their approval would conflict with existing water rights. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication. The State Engineer concludes that Application 65675 can be denied prior to publication.

RULING

Application 65675 is hereby denied in accordance with State Engineer's Order Number 824.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.

State Engineer

RMT/MDB/cl

Dated this 26th day of
April, 2000.