

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

IN THE MATTER OF APPLICATIONS 68177)
AND 68178 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE GOSHUTE VALLEY)
HYDROGRAPHIC BASIN (187), ELKO)
COUNTY, NEVADA.)

RULING

#5363

GENERAL

I.

Application 68177 was filed on November 7, 2001, by Nevada Land & Resource Company, L.L.C. to appropriate 5.0 cubic feet per second (cfs), not to exceed 3,000 acre-feet annually (afa), of underground water for industrial purposes. The proposed place of use is described as being located within Section 23, T.36N., R.66E, M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NE¼ of Section 23, T.36N., R.66E, M.D.B.&M.¹

II.

Application 68178 was filed on November 7, 2001, by Nevada Land & Resource Company, L.L.C. to appropriate 5.0 cfs, not to exceed 3,000 afa, of underground water for industrial purposes. The proposed place of use is described as being located within the S½ of Section 11, T.36N., R.66E, M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ SE¼ of Section 11, T.36N., R.66E, M.D.B.&M.²

FINDINGS OF FACT

I.

State Engineer's Order No. 842, signed April 30, 1984, described and designated a portion of the Goshute Valley Hydrographic Basin as a groundwater basin in need of additional administration under the provisions of NRS § 534.030 and Municipal, Quasi-Municipal and Domestic uses are preferred uses within the designated portion of the basin.³ The State Engineer finds that the proposed points of diversion and places of use, as described in Applications 68177 and 68178, are within the designated Goshute Valley Hydrographic Basin.

¹ File No. 68177, official records in the Office of the State Engineer.

² File No. 68178, official records in the Office of the State Engineer.

³ State Engineer's Order No. 842 issued April 30, 1984, official records in the Office of the State Engineer.

II.

The proposed manner of use described on Applications 68177 and 68178 is industrial use.^{1,2} The State Engineer finds these applications were not filed for the preferred uses described in Order No. 842, which specify Municipal, Quasi-Municipal and Domestic use as preferred uses.

III.

The perennial yield of a groundwater reservoir may be defined as the maximum amount of ground water that can be salvaged each year over the long term without depleting the groundwater reservoir. Perennial yield is ultimately 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.⁴

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, increase in cost due to increased 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 Goshute Valley Hydrographic Basin is approximately 11,000 acre-feet annually.⁵ The State Engineer finds that existing groundwater rights in the Goshute Valley Hydrographic Basin exceeds the perennial yield of the groundwater basin.⁶

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁸

- A. there is no unappropriated water at the proposed source;

⁴ State Engineer's office, Water for Nevada, State of Nevada Water Planning Report No. 3, p.13, Oct. 1971.

⁵ Nowlin, Jon, Groundwater Quality in Nevada – A Proposed Monitoring Program, Open File Report 78-768, U.S. Geological Survey, p. 201.

⁶ Nevada Division of Water Resources Water Rights Database, Hydrographic Basin Summary for Goshute Valley, February 2, 2004.

⁷ NRS chapters 533 and 534.

⁸ NRS § 533.370(4).

- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interest in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that the approval of Applications 68177 and 68178, both applications filed for industrial use, would violate State Engineer's Order No. 842, which specifies Municipal, Quasi-Municipal and Domestic use as preferred uses.

IV.

The committed groundwater resources of the Goshute Valley Hydrographic Basin currently exceed the groundwater basin's estimated perennial yield. The State Engineer concludes that the approval of the subject applications would result in the withdrawal of substantial amounts of ground water for industrial purposes in excess of the perennial yield of the Goshute Valley Hydrographic Basin and therefore would adversely affect existing rights and threaten to prove detrimental to the public interest.

RULING

Applications 68177 and 68178 are hereby denied on the grounds that their approval would violate State Engineer's Order No. 842, conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,


HUGH RICCI, P.E.
State Engineer

HR/RAD/jm

Dated this 4th day of
June, 2004.