

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

IN THE MATTER OF APPLICATION 69521)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE GRASS VALLEY)
HYDROGRAPHIC BASIN (71), PERSHING)
COUNTY, NEVADA.)

RULING

5973

GENERAL

I.

Application 69521 was filed on January 30, 2003, by Countryside Southern Baptist Church to appropriate 0.0334 cubic feet per second, with an anticipated consumptive use of 4.0 acre-feet annually, of underground water from the Grass Valley Hydrographic Basin. The proposed manner is for quasi-municipal purposes within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T.34N., R.38E., 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 said Section 18. Information contained within the remarks section of the application indicates that the Applicant intends to serve two structures and a 10,000 gallon storage tank for fire protection with an annual consumptive use of 4.0 acre-feet of water.¹

FINDINGS OF FACT

I.

Nevada Revised Statute (NRS) § 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the ground-water basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved. The application of this provision of the NRS to the Grass Valley Hydrographic Basin is evidenced by State Engineer's Order No. 464, which was issued on July 24, 1972.² This initial order described and designated the Grass Valley Hydrographic Basin as a ground-water basin in need of additional administration.

By designating the Grass Valley Hydrographic Basin, the State Engineer set the stage for further restrictions relating to the appropriation of underground water from this

¹ File No. 69521, official records in the Office of the State Engineer.

² State Engineer's Order No. 464, dated July 24, 1972, official records in the Office of the State Engineer.

area. State Engineer's Order No. 1171, issued on August 7, 2003, denied new appropriations of ground water from the Grass Valley Hydrographic Basin with the exception of water right applications filed for commercial, industrial, stock-water or wildlife purposes that seek to appropriate 1,800 gallons per day or less. An exception was also made for water right applications that were filed for environmental remediation projects pursuant to NRS § 533.437.³ The State Engineer finds that the quasi-municipal use proposed under Application 69521 does not qualify for exception under State Engineer's Order No. 1171; therefore, it must be considered for denial.

II.

The State Engineer finds that previous water right applications that requested new appropriations of underground water for quasi-municipal purposes from the Grass Valley Hydrographic Basin have been denied.⁴

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁸

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁹

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests 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.

Water right applications that request new appropriations of underground water for quasi-municipal purposes from the Grass Valley Hydrographic Basin are to be denied pursuant to State Engineer's Order No. 1171. The State Engineer concludes that the

³ State Engineer's Order No. 1171, dated August 7, 2003, official records in the Office of the State Engineer.

⁴ File Nos. 42173, 42174 and 61881, official records in the Office of the State Engineer.

⁸ NRS chapters 533 and 534.

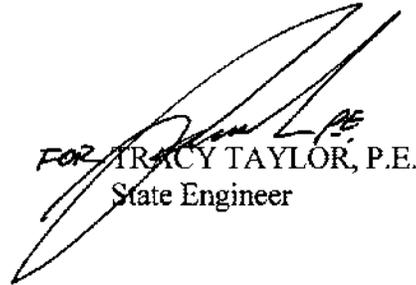
⁹ NRS § 533.370(5).

approval of Application 69521 would violate the provisions of State Engineer's Order No. 1171 and would threaten to prove detrimental to the public interest.

RULING

Application 69521 is hereby denied on the grounds that its approval would violate State Engineer's Order No. 1171 and thereby would threaten to prove detrimental to the public interest.

Respectfully submitted,



FOR TRACY TAYLOR, P.E.
State Engineer

TT/TH/jm

Dated this 17th day of
April, 2009.