

IN THE MATTER OF APPLICATIONS 32270, 32818,)
32826, 32830, 32832, 32833, 32858, 32859,)
32974, 32975, 32976, 32977, 32978, 32979,)
32980, 32981, 32982, 32983, 32984, 32985,)
32986, 32987, 33062, 33122, 33176, 33198,)
33203, 33204, 33237, 33489, 33798, 34473,)
34867, 35233, 35691, 36153, 36900, 37130,)
37131, 37232, 37252, 37591, 38235, 38319,)
38327, 38682 AND 40546 TO APPROPRIATE WATER)
FROM AN UNDERGROUND SOURCE IN THE ELY AREA)
OF STEPTOE VALLEY, WHITE PINE COUNTY, NEVADA)

R U L I N G

INTRODUCTION

In 1967, Water Resources - Reconnaissance Series Report 42, "Water Resources Appraisal of Steptoe Valley, White Pine and Elko Counties, Nevada" was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the U. S. Department of the Interior, Geological Survey. This report may be viewed at the office of the State Engineer.

FINDINGS OF FACT

I

Application 32270 was filed by Carol J. or Janice Barton on June 23, 1977 to appropriate 2.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T.17N., R.64E., M.D.B. & M., and the place of use is 114.9 acres within Lots 6 and 7 Section 6, Lot 1 Section 7, T.17N., R.64E., M.D.B. & M.

Application 32818 was filed by Ronald W. Jordan on July 18, 1977 to appropriate 3.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 13, T.16N., R.63E., M.D.B. & M., and the place of use is 200 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12; NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 13, T.16N., R.63E., M.D.B. & M.

Application 32826 was filed by George or Janet W. Panagopoulos on July 18, 1977 to appropriate 2.7 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 24, T.16N., R.63E., M.D.B. & M., and the place of use is 160 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24; NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T.16N., R.63E., M.D.B. & M.

Application 32830 was filed by Douglas M. Atkin on July 19, 1977 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T.17N., R.63E., M.D.B. & M., and the place of use is 15 acres within the S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T.17N., R.63E., M.D.B. & M.

Application 32832 was filed by George J. and Phyllis M. Allen on July 19, 1977 to appropriate 2.7 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 19, T.17N., R.64E., M.D.B. & M., and the place of use is 160 acres within the NW $\frac{1}{4}$ of Section 19, T.17N., R.64E., M.D.B. & M.

Application 32833 was filed by Rodney and Janis Jensen on July 19, 1977 to appropriate 0.5 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 14, T.17N., R.63E., M.D.B. & M., and the place of use is 10 acres within the N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T.17N., R.63E., M.D.B. & M.

Application 32858 was filed by Pete A. Pescio D.B.A. Pescio Bros. on July 20, 1977 to appropriate 2.7 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 1, T.17N., R.63E., M.D.B. & M., and the place of use is 160 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 2, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 1, T.17N., R.63E., M.D.B. & M.

P Application 32859 was filed by Joseph A. Pescio on July 20, 1977 to appropriate 2.7 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{2}$ NE $\frac{1}{2}$ of Section 1, T.17N., R.63E., M.D.B. & M., and the place of use is 160 acres within the E $\frac{1}{2}$ SW $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 1, T.17N., R.63E., M.D.B. & M.

Application 32974 was filed by Cross Timbers Land Company on August 1, 1977 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{2}$ SE $\frac{1}{2}$ of Section 16, T.17N., R.63E., M.D.B. & M., and the place of use is 30 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T.17N., R.63E., M.D.B. & M.

Application 32975 was filed by Cross Timbers Land Company on August 1, 1977 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 15, T.17N., R.63E., M.D.B. & M., and the place of use is 20 acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T.17N., R.63E., M.D.B. & M.

Application 32976 was filed by Cross Timbers Land Company on August 1, 1977 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 15, T.17N., R.63E., M.D.B. & M., and the place of use is 20 acres within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 15, T.17N., R.63E., M.D.B. & M.

Application 32977 was filed by Cross Timbers Land Company on August 1, 1977 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{2}$ NW $\frac{1}{2}$ of Section 15, T.17N., R.63E., M.D.B. & M., and the place of use is 15 acres within the E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 15, T.17N., R.63E., M.D.B. & M.

Application 32978 was filed by Cross Timbers Land Company on August 1, 1977 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{2}$ SW $\frac{1}{2}$ of Section 14, T.17N., R.63E., M.D.B. & M., and the place of use is 40 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, T.17N., R.63E., M.D.B. & M.

Application 32987 was filed by Cross Timbers Land Company on August 1, 1977 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 15, T.17N., R.63E., M.D.B. & M., and the place of use is 20 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 15, T.17N., R.63E., M.D.B. & M.

Application 33062 was filed by Stanley and Julia G. Malaperdas on August 8, 1977 to appropriate 0.5 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, T.17N., R.63E., M.D.B. & M., and the place of use is 5.0 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, T.17N., R.63E., M.D.B. & M.

Application 33122 was filed by Leonard L. and Andrea Hennings on August 11, 1977 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 15, T.17N., R.63E., M.D.B. & M., and the place of use is 15.0 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 22, T.17N., R.63E., M.D.B. & M.

Application 33176 was filed by Warren or Julie Krch on August 17, 1977 to appropriate 0.5 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T.16N., R.63E., M.D.B. & M., and the place of use is 5.0 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T.16N., R.63E., M.D.B. & M.

Application 33198 was filed by James Edward and Margaret G. Nelson on August 18, 1977 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T.16N., R.63E., M.D.B. & M., and the place of use is 10.0 acres within the E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T.16N., R.63E., M.D.B. & M.

Application 33203 was filed by Kenneth D. and Sharon Heinbaugh on August 18, 1977 to appropriate 0.5 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T.16N., R.63E., M.D.B. & M., and the place of use is 5.0 acres within the W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 23, T.16N., R.63E., M.D.B. & M.

Application 33204 was filed by Kenneth D. and Sharon Heinbaugh on August 18, 1977 to appropriate 0.5 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T.17N., R.63E., M.D.B. & M., and the place of use is 5.0 acres within the S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T.17N., R.63E., M.D.B. & M.

Application 33237 was filed by J. C. and Elizabeth Ann Hendrickson on August 22, 1977 to appropriate 0.5 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, T.17N., R.63E., M.D.B. & M., and the place of use is 5.0 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, T.17N., R.63E., M.D.B. & M.

Application 33489 was filed by F. Dean and Betty L. Brunson on September 7, 1977 to appropriate 0.3 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T.17N., R.64E., M.D.B. & M., and the place of use is 10.0 acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6; NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 7, T.17N., R.64E., M.D.B. & M.

Application 33798 was filed by Joseph L. and Elodee J. Jones on September 27, 1977 to appropriate 0.5 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T.16N., R.63E., M.D.B. & M., and the place of use is 5.0 acres within the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T.17N., R.63E., M.D.B. & M.

Application 34473 was filed by John E. DoIney on November 1, 1977 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T.17N., R.63E., M.D.B. & M., and the place of use is 5.0 acres within the S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 21, T.17N., R.63E., M.D.B. & M.

Application 34867 was filed by Flying Diamond Ranches, Inc., on January 13, 1978 to appropriate 2.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T.16N., R.63E., M.D.B. & M., and the place of use is 230 acres within the SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 35, T.16N., R.63E., M.D.B. & M.

Application 35233 was filed by Gene D. and Annemarie Heckethorn on March 30, 1978 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T.16N., R.63E., M.D.B. & M., and the place of use is 10.0 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T.16N., R.63E., M.D.B. & M.

Application 35691 was filed by George or Janet Panagopoulos on August 3, 1978 to appropriate 2.5 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T.16N., R.63E., M.D.B. & M., and the place of use is 40.0 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T.16N., R.63E., M.D.B. & M.

Application 36153 was filed by Bruce W. or Carla J. Wilkin on November 9, 1978 to appropriate 0.20 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T.16N., R.63E., M.D.B. & M., and the place of use is 5.186 acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T.16N., R.63E., M.D.B. & M.

Application 36900 was filed by Kelsy J. Grant on March 7, 1979 to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 7, T.17N., R.64E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 7; N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 18, T.17N., R.64E., N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 12, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T.17N., R.63E., M.D.B. & M.

Application 37130 was filed by Rayola H. Webb on March 22, 1979 to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 14, T.17N., R.63E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ W $\frac{1}{2}$ Section 13; E $\frac{1}{2}$ E $\frac{1}{2}$ Section 14, T.17N., R.63E., M.D.B. & M.

Application 37131 was filed by Gerald E. Webb on March 22, 1979 to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T.17N., R.63E., M.D.B. & M., and the place of use is 320 acres within the E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ E $\frac{1}{2}$ of Section 14, T.17N., R.63E., M.D.B. & M.

Application 37232 was filed by Sharliene P. Grant on March 27, 1979 to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 18, T.17N., R.64E., M.D.B. & M., and the place of use is 320 acres within the SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, Lot 2, Section 18, T.17N., R.64E.; S $\frac{1}{2}$ NE $\frac{1}{4}$ Section 13, T.17N., R.63E., M.D.B. & M.

Application 37252 was filed by Janet Cooper on March 27, 1979 to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23, T.17N., R.63E., M.D.B. & M., and the place of use is 320 acres within the W $\frac{1}{2}$ Section 23, T.17N., R.63E., M.D.B. & M.

Application 37591 was filed by Leonard Peter Christiansen on April 2, 1979 to appropriate 5.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 7, T.17N., R.64E., M.D.B. & M., and the place of use is 320 acres within Lot 7 Section 6; Lot 1 Section 7; T.17N., R.64E.; E $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 12, T.17N., R.63E., M.D.B. & M.

Application 38235 was filed by George or Janet Panagopoulos on May 24, 1979 to appropriate 5.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the Center SE $\frac{1}{4}$ of Section 23, T.16N., R.63E., M.D.B. & M., and the place of use is 360 acres within the SE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ Section 23; W $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T.16N., R.63E., M.D.B. & M.

Application 38319 was filed by Dell or Ellen McIntosh on June 13, 1979 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 23, T.16N., R.63E., M.D.B. & M., and the place of use is 10.0 acres within Lots 7 and 8 of Section 23, T.16N., R.63E., M.D.B. & M.

Application 38327 was filed by Valantino A. and Elizabeth F. Bianchi on June 14, 1979 to appropriate 0.25 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 11, T.16N., R.63E., M.D.B. & M., and the place of use is 3.0 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 11, T.16N., R.63E., M.D.B. & M.

Application 38682 was filed by William L. and Shirley M. Brindell on July 25, 1979 to appropriate 1.0 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T.17N., R.63E., M.D.B. & M., and the place of use is 40.0 acres within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, T.17N., R.63E., M.D.B. & M.

Application 40546 was filed by Wayburn D. and Bennie M. Mitchell on February 15, 1980 to appropriate 1.4 c.f.s., of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T.16N., R.63E., M.D.B. & M., and the place of use is 80 acres within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13, T.16N., R.63E., M.D.B. & M. 1/

II

Application 32818 was protested on November 14, 1977 by the Ely Municipal Water Department on the grounds that:

"To grant this application would cause an adverse effect on the underground water resource and seriously endanger the protestant's existing water appropriated for municipal purposes serving the communities of Ely and East Ely, Nevada."

Application 32859 was protested on April 13, 1978 by Kennecott Copper Corp. on the grounds that:

"That it would impair and conflict with the value of existing rights; that it would be against public policy to grant said application, and contrary to statute. That the granting of said application would interfere with the customary use of Protestants' existing water rights, the drilling of additional wells this close to Kennecott's boundary would tend to lower the level of the water table; thus decreasing the flow from plant water sources. Kennecott pumps water for process and agricultural use from nearby sources, including McGill Springs, the Dairy-Hydro Shafts and the Tailings Creek." 2/

III

By an Order dated September 21, 1979, the State Engineer designated and described the Steptoe Valley Ground Water Basin as a ground water basin coming under the provisions of NRS 534.

By an Order dated August 21, 1980, the State Engineer declared the irrigation of additional land to be a non-preferred use of the limited ground water resource in the following described area of the Steptoe Valley Designated Ground Water Basin:

All of T.16N., R.63E.,

All of T.17N., R.63E.,

W $\frac{1}{2}$ of T.17N., R.64E.,

S $\frac{1}{2}$ of T.18N., R.63E.,

Sections 19, 20, 21, 28, 29, 30, 31, 32 and 33,
T.18N., R.64E., M.D.B. & M.

The purpose of the order was to safeguard the municipal, quasi-municipal and domestic ground water supplies of the residents of Ely and Steptoe Valley. The points of diversion under the applications considered in this Ruling lie within this area of curtailment. 3/

IV

74 Permits and certificates have been issued to appropriate over 15,000 acre-feet of ground water annually from the area of curtailment for municipal, quasi-municipal, commercial, mining, industrial, recreation, irrigation, and domestic purposes. 4/ There are additional domestic wells in the area that do not require permits.

V

The applications considered in this Ruling are to irrigate over 4000 acres of land. Granting permits would result in an additional 16,000 acre-feet of water annually being diverted in an area of concentrated development and within the municipal well field of the City of Ely. 5/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 6/

II

The State Engineer is prohibited by law from granting a permit where:

- 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. 7/

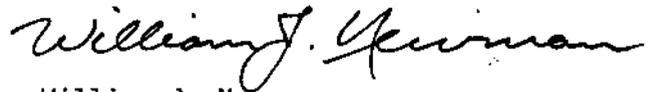
III

The State Engineer is authorized and directed to designate preferred uses of water within designated ground water basins such as the Steptoe Valley Ground Water Basin. 8/ The consumptive use of additional ground water to irrigate additional land or to more intensively or frequently irrigate other land is not considered to be a preferred use of the limited water resources of the area of curtailment within the Steptoe Valley Ground Water Basin.

RULING

Applications 32270, 32818, 32826, 32830, 32832, 32833, 32858, 32859, 32974, 32975, 32976, 32977, 32978, 32979, 32980, 32981, 32982, 32983, 32984, 32985, 32986, 32987, 33062, 33122, 33176, 33198, 33203, 33204, 33237, 33489, 33798, 34473, 34867, 35233, 35691, 36153, 36900, 37130, 37131, 37232, 37252, 37591, 38235, 38319, 38327, 38682 and 40546 are denied on the grounds that the proposed appropriation of additional ground water for irrigation as applied for would conflict with and tend to impair the value of existing rights and threaten to prove detrimental to the public interest and welfare.

Respectfully submitted,



William J. Newman
State Engineer

WJN/JC/bc

Dated this 30th day of
SEPTEMBER, 1980.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer.
3. Public records in the office of the State Engineer, see Orders #731 and #754.
4. Public records in the office of the State Engineer. See August 20, 1980 Abstract of Ely Sub-Basin.
5. Public records in the office of the State Engineer. See August 20, 1980 Abstract of Ely Sub-Basin.
6. NRS 533.025 and NRS 533.030, subsection 1.
7. NRS 533.370, subsections 1 and 4.
8. NRS 534.120, subsection 2.