

IN THE MATTER OF APPLICATIONS 44209 AND)
45793, FILED TO APPROPRIATE UNDERGROUND)
WATER IN CRESCENT VALLEY, EUREKA AND)
LANDER COUNTIES, NEVADA)

R U L I N G

INTRODUCTION

In 1961, Water Resource Bulletin No. 15, "Ground Water Potentialities in the Crescent Valley, Eureka and Lander Counties, Nevada" by C.P. Zones, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and U.S. Department of Interior, Geological Survey. This report may be viewed at the State Engineer's office.

FINDINGS OF FACT

I

Application 44209 was filed by Dan O'Brien on July 29, 1981 to appropriate 0.5 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T. 30 N., R. 47 E., M.D.B.&M., and the place of use is 20 acres within the E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 35, T. 30 N., R. 47 E., M.D.B.&M.

Application 45793 was filed by William L. and Sylvia Wilson on June 16, 1982, to appropriate 2.4 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 33, T. 29 N., R. 48 E., M.D.B.&M., and the place of use is 106 acres within the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and a portion SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 33, T. 29 N., R. 48 E., M.D.B.&M.

II

The perennial yield from the Crescent Valley Ground Water Reservoir is estimated to be 14,000 acre-feet of water per year. 1/

III

The perennial yield of a ground water reservoir may be defined as the maximum amount of water of useable chemical quality that can be withdrawn and consumed economically each year for an indefinite period of time. If the perennial yield is continually exceeded, water levels will decline until the ground water reservoir is depleted of water of usable quality or until the pumping lifts become uneconomical to maintain. 2/

IV

Permits and certificates have been issued in Crescent Valley which could be used to divert over 27,000 acre-feet per year. 3/

V

Forty-four applications to appropriate underground water to irrigate additional land have been denied in Crescent Valley. 4/

VI

On March 20, 1981, the State Engineer determined that Crescent Valley was a groundwater basin in need of additional administration under the provisions of NRS Chapter 534 and issued order No. 755 describing and designating Crescent Valley Ground Water Basin. 5/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 6/
2. 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 welfare. 7/
3. Existing water rights for ground water in Crescent Valley exceed the estimated perennial yield for the Crescent Valley ground water reservoir. These applications are to irrigate an additional 126 acres, and if permits were issued, an additional 504 acre-feet of ground water could be diverted annually.

RULING

Application 44209 and 45793 are denied on the grounds that to grant additional water rights under the subject applications would conflict with existing water rights and be detrimental to the public interest and welfare.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/GB/jlm

Dated this 10th day
of November 1983.

FOOTNOTES

- 1/ "Ground-Water Potentialities in the Crescent Valley, Eureka and Lander Counties, Nevada", Water Resource Bulletin No. 15, C.P. Zones, U.S. Geological Survey, 1961, pages 20 and 24.
- 2/ Water Supply Paper 1832, Page 39. U.S. Geological Survey, NRS 534.110 (4).
- 3/ Public records located within the office of the State Engineer.
- 4/ Public records located within the office of the State Engineer. See denied Applications 36535, 36536, 36537, 36538, 36539, 36540, 37866, 37869, 38569, 39187, 39188, 39591, 39592, 39721, 39722, 39723, 39738, 39739, 39740, 39741, 39746, 39750, 39751, 39752, 40370, 40371, 40373, 40374, 40375, 40376, 40449, 39186, 39478, 42147, 42148, 42149, 42150, 42151, 42152, 42153, 42615, 42616, 42617, and 42618.
- 5/ Public Record in office of State Engineer.
- 6/ NRS 533.025 and 533.030, Subsection 1.
- 7/ NRS 533.370, Subsection 3.