

IN THE MATTER OF APPLICATIONS 34874)  
AND 42604 FILED TO APPROPRIATE )  
UNDERGROUND WATER IN GRASS VALLEY, )  
HUMBOLDT COUNTY, NEVADA )

R U L I N G

INTRODUCTION

Ground Water Resources Reconnaissance Series Report 29, A Brief Appraisal of the Ground-Water Resources of the Grass Valley Area, Humboldt and Pershing Counties, Nevada, by Philip Cohen, was prepared cooperatively by the Department of Conservation and Natural Resources and the U.S. Department of the Interior, Geological Survey. 1/ This report is on file at the office of the State Engineer.

FINDINGS OF FACT

I

Application 34874 was filed on January 13, 1978, by Julian Marcuerquaga to appropriate 1.0 cfs of water from an underground source for irrigation and domestic purposes. The proposed point of diversion is within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 28, T36N, R38E, MDB&M, and the proposed place of use is 7.5 acres within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 28, T36N, R38E, MDB&M.

II

Application 42604 was filed on October 8, 1980, by Howard E. Kiefer to appropriate 2.1 cfs of water from an underground source within the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 1, T33N, R37E, MDB&M, for irrigation and domestic purposes. The proposed place of use is 100 acres within the SW $\frac{1}{4}$  of Section 1, T33N, R37E, MDB&M.

III

No protests were filed against the granting of Application 34874 or Application 42604.

IV

Report 29, 1/, estimates the perennial yield to be 13,000 acre-feet (pg. 23-24). The report further states that Grass Valley ground-water outflow contributes approximately 6,000 acre-feet per year to the Humboldt River system (pg. 20). In conclusion, Report 29 states that "if it is desired to limit development in Grass Valley so as not to cause a continual depletion of the ground water in storage and if it desired to maintain the amount of ground water outflow discharging into the Humboldt River Valley, net withdrawals from the ground-water reservoir should not exceed the amount of natural discharge by evapotranspiration -- an estimated maximum of 7,000 acre-feet per year." (pg. 31).

V

Existing rights as of August 25, 1983, total more than 33,000 acre-feet annually. 2/

VI

In 1982, the gross pumpage for irrigation use only was estimated at 18,111 acre-feet. In 1981, the gross pumpage for irrigation use only was estimated at 24,732 acre-feet. 3/

Gross pumpage for 1978, using an acre-foot total of 3.6 acre-feet per acre was 24,732 acre-feet in 1978 vs. 24,966 acre-feet in 1977 vs. 18,630 acre-feet in 1976 and 12,290 acre-feet in 1975. 3/

Water levels in general declined in Grass Valley between the fall 1978 and fall 1981 measurements. 3/

VII

The State Engineer designated the Grass Valley Ground Water Basin on July 24, 1972. 4/

#### CONCLUSIONS

The State Engineer has jurisdiction of the parties and the subject matter of this action. 5/

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

- A. There is no unappropriated water in 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. 6/

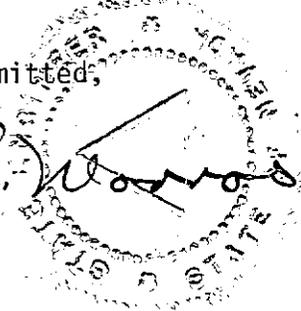
RULING

Applications 34874 and 42604 are hereby denied on the grounds that the granting of these applications would adversely affect and tend to impair the value of existing rights.

Respectfully submitted,



PETER G. MORROS,  
State Engineer



PGM/KN/dcb

DATED: This 11th day of  
April, 1984.

FOOTNOTES

1. Ground Water Resources-Reconnaissance Series Report 29 A Brief Appraisal of the Ground-Water Resources of the Grass Valley Area, Humboldt and Pershing Counties, Nevada, Department of Conservation and Natural Resources and U.S. Department of the Interior-Geological Survey, September, 1964, pp. 19, 20, and 24.
2. Public Records in the Office the State Engineer.
3. Grass Valley Crop Inventories; 1978, 1981 and 1982.
4. State Engineer's Order No. 464.
5. NRS 533.025 and NRS 533.030, subsection 1.
6. NRS 533.370, subsection 3.