

IN THE MATTER OF APPLICATIONS 45186)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE ELKO SEGMENT GROUND)
WATER BASIN IN ELKO COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 45186¹ was filed on January 8, 1982, by Dorothy D. Read to appropriate 0.50 c.f.s. of water from an underground source for use within portions of the NW1/4 NW1/4 NE1/4 and NE1/4 NE1/4 NW1/4 Section 28, T.34N., R.55E., M.D.B.&M., for commercial and domestic purposes. The point of diversion is described as being within the NW1/4 NE1/4 Section 28, T.34N., R.55E., M.D.B.&M.

FINDINGS OF FACT

I.

A timely protest¹ to the granting of Application 45186 was filed by the City of Elko on May 4, 1982. The grounds of the protest are as follows:

- "1. One basis of this Protest is that the proposed well will interfere with existing wells and the water sources serving the City of Elko and will result in increased pumping costs and that a reduction in pumping capacity will result as the water table continues to be lowered.
2. Protestant holds vested, permitted and adjudicated water rights of both surface and subsurface water within the basin which is the source of this application. Permitting additional underground water withdrawal will adversely affect the present water rights of the Protestant.
3. That the proposed application places too many water wells too close together which will result in excessive draw down of the subsurface waters in that immediate area.
4. Protestant further claims that the proposed application will prove detrimental to the public interest and general health, safety, and welfare of the inhabitants of the City of Elko.

¹ Public record in the office of the State Engineer under Application 45186.

5. That the State Water Engineer has designated the area encompassed within this application to protect the inhabitants of the City of Elko and prevent further depletion of surface and underground water sources in the Elko, Nevada area.
6. That the 0.5 cfs applied for is far in excess of that shown in Item 12 for an estimated annual consumption of 1.3 MGA."

II.

The Elko Segment Ground Water Basin was described and designated² by the State Engineer on December 8, 1981, as a ground water basin in need of additional administration under the provisions of NRS Chapter 534.

III.

A field investigation³ was conducted on April 20, 1984. The described place of use and point of diversion was found to be nine-tenths of a mile from the City of Elko's water service mains and approximately one-half mile outside the city limits.

IV.

The applicant does hold a certificated right⁴ for domestic purposes within the described place of use and from the same point of diversion as Application 45186.

CONCLUSIONS

I.

The State Engineer has jurisdiction over this matter under the provisions of NRS 533.365 and 533.370.

II.

The applicant cannot be furnished water by an entity such as a district or a municipality engaged in furnishing water.

² Public record in the office of the State Engineer. State Engineer's Order No. 778. See also transcript of public hearing before the State Engineer on August 18, 1981.

³ Public record in the office of the State Engineer.

⁴ Public record in the office of the State Engineer under Certificate 6065.

RULING

The protest to Application 45186 is herewith overruled and a permit will be issued on the grounds that the granting will not tend to impair the value of existing rights and will not be detrimental to the public interest. The applicant cannot be furnished water by an entity such as a district or municipality engaged in furnishing water. This permit will be further limited to the following.

1. The diversion rate shall be limited to 0.10 c.f.s. but not to exceed 1.3 million gallons annually.
2. The use is limited to commercial as the applicant has a certificated right for domestic use.
3. A totalizing meter must be installed and maintained at the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/BD/bl

Dated this 8th day of
MAY, 1984.