

IN THE MATTER OF APPLICATIONS 47573 )  
AND 47574 TO APPROPRIATE GROUND )  
WATER IN BUENA VISTA VALLEY, )  
PERSHING COUNTY, NEVADA. )

RULING

INTRUDUCTION

Water Resources Bulletin No. 13, "Geology and Ground Water Resources of Buena Vista Valley, Pershing County, Nevada", by O.J. Loeltz and D.A. Phoenix was prepared cooperatively by the U.S. Geological Survey and the State of Nevada, Office of the State Engineer. This report is available in the State Engineer's office.

FINDINGS OF FACT

I.

Application 47573 was filed on January 16, 1984, by Arroyo Properties to appropriate 3.0 c.f.s. of water from an underground source for irrigation purposes on 1,920 acres of land within Sections 15, 16 and 21, T.30N., R.35E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 16, T.30N., R.35E., M.D.B.&M.<sup>1</sup>

Application 47574 was filed on January 16, 1984, by Arroyo Properties to appropriate 3.0 c.f.s. of water from an underground source for irrigation purposes on 1,920 acres of land within Sections 15, 16 and 21, T.30N., R.35E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 16, T.30N., R.35E., M.D.B.&M.<sup>1</sup>

II.

A timely protest to the granting of Applications 47573 and 47574 was filed on July 26, 1984, by John Thacker. The protest seeks denial of the applications on the following grounds.

"Buena Vista Valley was designated a critical ground water basin by order No. 732 on October 2, 1979, and it is my understanding that no new appropriations of ground water have been granted since that date for irrigation purposes. Wells in the area of the proposed appropriation have limited capacity and any additional appropriation would tend to threaten existing rights in the area."<sup>1</sup>

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<sup>1</sup> Public record in the office of the State Engineer.

III.

The State Engineer designated Buena Vista Valley Ground Water Basin under the provisions of NRS 534.030 on October 2, 1979.<sup>2</sup>

IV

An estimate of average annual recharge to the ground water reservoir in Buena Vista Valley is approximately 10,000 acre-feet.<sup>3</sup>

V.

Certificates of appropriation from the ground water reservoir exceeds 8,200 acre-feet per year. Additionally, the State Engineer has issued permits which would allow for the diversion of over 30,000 acre-feet when fully developed.<sup>4</sup>

VI.

The estimated water requirement for Applications 47573 and 47574 is 2,560 acre-feet per year on land not covered by existing water rights.

VII.

Twenty-five (25) applications to appropriate the public waters of an underground source within the Buena Vista Valley Ground Water Basin have been denied in the past.<sup>5</sup>

CONCLUSIONS

I.

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

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<sup>2</sup> State Engineer's Order No. 732 - public record in the office of the State Engineer.

<sup>3</sup> Water Resources Bulletin No. 13 - public record in the office of the State Engineer.

<sup>4</sup> Public record in the office of the State Engineer.

<sup>5</sup> State Engineer's Rulings Nos. 2741, 2757 and 2782 - public record in the office of the State Engineer.

<sup>6</sup> NRS Chapters 533 and 534.

II.

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

- A. there is no unappropriated water at the source, or
- B. the proposed use conflicts with existing rights, or
- C. the proposed use threatens to prove detrimental to the public welfare.<sup>7</sup>

III.

If the subject applications were granted, additional lands would be irrigated. This would result in additional consumptive use by farm land irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir that would not be replaced resulting in a net depletion of the ground water reservoir, substantial water level declines and possible land subsidence. The additional withdrawals would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

The protest to the granting of Applications 47573 and 47574 are herewith upheld and Applications 47573 and 47574 are hereby denied on the grounds that the appropriation of additional water for irrigation in Buena Vista Valley would tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted



Peter G. Morros  
State Engineer

PGM/HR/bl

Dated this 8th day of  
AUGUST, 1984.