

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 39803,) 39804 AND 46820 FILED TO APPROPRIATE) THE PUBLIC WATERS OF AN) UNDERGROUND SOURCE IN QUINN RIVER) VALLEY, McDERMITT SUBAREA, HUMBOLDT) COUNTY, NEVADA.)

RULING

GENERAL

I.

Application 39803 was filed on November 21, 1979, by John P. Nouque and Thomas Pedroli to appropriate 2.0 c.f.s. of water from an underground source for irrigation purposes on 133.75 acres of land within the S1/2 NE1/4, SE1/4 NW1/4 and Lot 2, Section 16, T.47N., R.38E., M.D.B.&M. The point of diversion is described as being within Lot 2 Section 16, T.47N., R.38E., M.D.B.&M.¹

Application 39804 was filed on November 21, 1979, by John P. Nouque and Thomas Pedroli to appropriate 3.0 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the SW1/4, N1/2 SE1/4 Section 17; E1/2 SE1/4 Section 18, T.47N., R.38E., M.D.B.&M. The point of diversion is described as being within Lot 2 Section 16, T.47N., R.38E., M.D.B.&M.¹

Application 46820 was filed on April 15, 1983, by Mentaberry Brothers to appropriate 0.98 c.f.s. of water from an underground source for irrigation purposes on 44.03 acres of land within the SW1/4 NE1/4 and SE1/4 NE1/4 Section 24, T.47N., R.37E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 24, T.47N., R.37E., M.D.B.&M.¹

II.

Water Resources Bulletin 34, "Effects of Irrigation Development on the Water Supply of Quinn River Valley Area, Nevada and Oregon, 1950-1964", by C.J. Huxel, Jr., with sections on surface water by J.E. Parkes and chemical quality of water by D.E. Everett; was prepared cooperatively by the State of Nevada, Department of Conservation and Natural Resources, and the United States Department of the Interior, Geological Survey, 1966, and is on file in the office of the State Engineer.

¹ Public record in the office of the State Engineer.

FINDINGS OF FACT

I.

The Quinn River Ground Water Basin was designated on April 28, 1965,² as a basin in need of additional administration under the provisions of NRS Chapter 534.

II.

As of April 30, 1985, there is a total of 8367 acre-feet of ground water committed by permits and certificates in Quinn River Valley, McDermitt Subarea. As of that date, there was a total of 5571 acre-feet of ground water committed with a priority date earlier than November 21, 1979.³

III.

As of May 7, 1985, there is a total of 82,200 acre-feet of ground water committed by permits and certificates in Quinn River Valley, Orovada Subarea.⁴

IV.

The estimated annual recharge from precipitation in the McDermitt Subarea is 37,000 acre-feet.⁵ The estimated ground water outflow from McDermitt Subarea to Orovada Subarea is 5,000 acre-feet.⁶ The estimated annual recharge in the Orovada Subarea is 22,000 acre-feet⁷ for a total recharge for the Quinn River Ground Water Basin of 59,000 acre-feet.

V.

Prior applications to appropriate for irrigation purposes have been denied in the Quinn River Ground Water Basin and specifically in the McDermitt Subarea.⁸

² State Engineer's Order 285 dated April 28, 1965, is a public record in the office of the State Engineer.

³ Ground Water Abstract dated April 30, 1985, public record in the office of the State Engineer.

⁴ Ground Water Abstract dated May 7, 1985, public record in the office of the State Engineer.

⁵ Water Resources Bulletin 34, Table 5, p. 19.

⁶ Water Resources Bulletin 34, Table 10, p. 30.

⁷ Water Resources Bulletin 34, Table 5, p. 20.

⁸ See Applications 22844 and 23478, public record in the office of the State Engineer.

VI.

Water Resources Bulletin 14 speaks of 2,000 acre-feet of ground water discharge that was not being beneficially used (in 1957), which was being used by phreatophytes on the west side of the river which could be used without adversely affecting existing rights.⁹ In order to use this water, however, it would be necessary to lower the water table so that the ground water reservoir would have more room to store runoff. However, this would reduce the runoff reaching the Quinn River so that there would in fact be interference with surface water rights from the Quinn River and its tributaries.

VII.

A portion of Application 39804 was filed to supplement existing ground water rights under Permit 13605, Certificate 4514 but approval of the application would constitute additional withdrawals and consumptive use of ground water in the basin.

VIII.

There was an overall decline in the water table in the Orovada Subarea between fall of 1971 and 1978.¹⁰ There was also a decline of water levels in the McDermitt Subarea between the fall of 1972 and the fall of 1977.¹¹

IX.

There was a slight rise in the water table in the Orovada Subarea between the fall of 1980 and the fall of 1984. During this same period, the water levels in the McDermitt Subarea declined slightly.¹²

X.

The stream flow forecasts for 1981-1982 and 1984-1985 indicate average years for the Quinn River drainage, but the years 1982-1983 and 1983-1984 were forecast to have much greater than average precipitation and stream flows which explains the temporary rise in the water table in the Orovada Subarea.¹³

⁹ Water Resources Bulletin No. 14, "Geology and Ground-Water Resources of Quinn River Valley, Humboldt County, Nevada", by F.N. Visher, was prepared cooperatively by the State of Nevada, Office of the State Engineer, and Geological Survey, U.S. Department of the Interior, 1957.

¹⁰ Quinn River Drainage Basin Miscellaneous Static and Pumping Water Levels, public record in the office of the State Engineer.

¹¹ Quinn River Pumpage and Water Level Inventory, public record in the office of the State Engineer.

¹² Quinn River Pumpage and Water Level Inventory, 1980, 1981, 1982, 1983 and 1984, public record in the office of the State Engineer.

¹³ Soil Conservation Service, U.S. Department of Agriculture, and Nevada Department of Conservation and Natural Resources, "Water Supply Outlook for Nevada", 1982, 1983, 1984 and 1985, public record in the office of the State Engineer. Some watersheds and contributing drainages were subject to all time records of precipitation and runoff during 1983-1984.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.¹⁴

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:¹⁵

- 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.

III.

The record of evidence and information available to the State Engineer documents the trend of declining water tables in the Quinn River Ground Water Basin.

IV.

The total permitted and certificated ground water rights in the Quinn River Ground Water Basin exceed the recharge from precipitation.

RULING

Applications 39803, 39804 and 46820 are hereby denied on the grounds that the granting thereof would adversely affect existing water rights and that the appropriation of additional ground water for irrigation use is not a preferred use of the limited water resource.

Respectfully submitted,


PETER G. MORROS
State Engineer

PGM/KN/bl

Dated this 28th day of
June, 1985.

¹⁴ NRS 533.025 and NRS 533.030(1).

¹⁵ NRS 533.370(3).