

IN THE OFFICE OF THE STATE ENGINEER
IN THE STATE OF NEVADA

IN THE MATTER OF APPLICATION 42810)
FILED TO APPROPRIATE THE PUBLIC)
WATERS FROM AN UNDERGROUND SOURCE)
WITHIN THE SNAKE VALLEY GROUND)
WATER BASIN IN WHITE PINE COUNTY,)
NEVADA.)

RULING

3814

GENERAL

I.

Application 42810¹ was filed on November 10, 1980 by Edward T. Milewski to appropriate 7.4 c.f.s. of water from an underground source to irrigate 320 acres of land within the E1/2 Section 27, T.14N., R.70E., M.D.B.&M. The point of diversion is described as being within NW1/4 NE1/4 Section 27, T.14N., R.70E., M.D.B.&M.

Application 42810 was timely protested on July 6, 1981 by Fredrick Baker of Baker Ranches, Inc. on the following grounds:

"The granting of this application would interfere with existing prior water rights in area."¹

FINDINGS OF FACT

I.

A letter dated October 22, 1984 was sent to the United States Department of the Interior, Bureau of Land Management and to the State of Nevada, Department of Conservation and Natural Resources, Division of State Lands and Land Use Planning. The letter stated that the perennial yield of Snake Valley (Hydrographic Area No. 195) is 25,000 acre-feet. Allowable land acreage for Desert Land Entries is 5,000 acres and an additional withdrawal of 20,000 acre-feet of water is allowable from Snake Valley. Finally, the letter stated that no more than 10,000 acre-feet of new appropriations would be allowed north of the boundary between T.10N., and T.11N., (Upper Snake Valley).²

¹ Public record in the office of the State Engineer.

² Public record in the office of the State Engineer under Application No. 42812.

This letter sets forth a 1 mile spacing criteria between developed sections. Also, additional land is not to be approved within one (1) mile of existing surface or groundwater rights. The State Engineer has previously made findings that this spacing is required to prevent individual interference between wells.

II.

A computer abstract¹ of groundwater rights, dated May 28, 1991, indicated that the total of all existing permitted rights in Snake Valley is less than 10,700 acre-feet.

III.

The State Engineer finds that the nearest existing groundwater permit is in excess of 5,700 feet from the proposed point of diversion of Application 42810.³

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.⁴

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁵

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use or change conflicts with existing rights, or
- C. The proposed use or change threatens to prove detrimental to the public interest.

³ Scaled from the Plat Key on file in the office of the State Engineer under Application No. 42812.

⁴ NRS Chapter 533.

⁵ NRS Chapter 533.370

III.

The State Engineer concludes that the granting of Application 42810 would not cause and overdraft of the perennial yield of the upper Snake Valley Hydrographic Area. Further, the State Engineer concludes that the location of the well for Application 42810 meets the spacing criteria set forth as the policy of the office of the State Engineer and that interference is not likely to occur.

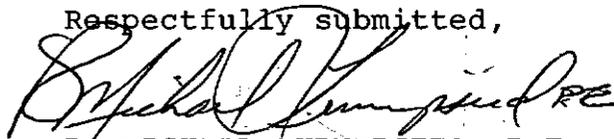
IV.

The State Engineer finds that the priority criteria as specified under NRS 533.357 which establishes a priority system for the granting of irrigation permits has been satisfied. Applications to appropriate water on private land or on land adjacent to private land were considered and issued prior to Application 42810.

RULING

The protest to Application 42810 is hereby overruled and said application is hereby approved subject to prior rights the payment of the statutory permit fees.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MR/pm

Dated this 8th day of
July, 1991.