

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

IN THE MATTER OF APPLICATION 57212 FILED )  
TO CHANGE THE WATERS ALREADY APPROPRIATED )  
FROM AN UNDERGROUND SOURCE IN THE MASON )  
VALLEY GROUND WATER BASIN (108), LYON )  
COUNTY, NEVADA. )

RULING

**# 4222**

GENERAL

I.

Application 57212 was filed on February 20, 1992, by Bradleyville, a general partnership, to change the point of diversion and place and manner of use of 0.1198 cfs, a portion of underground water heretofore appropriated under Permit 14632, for irrigation and domestic use. The proposed point of diversion is described as being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 12, T.12N., R.25E., M.D.B.&M., with the proposed place of use being described as within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  and NE $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 12, T.12N., R.25E., M.D.B.&M.<sup>1</sup>

Permit 14632 was issued May 11, 1953, for 2.0 cfs for irrigation and domestic use on 160 acres. On June 10, 1964, Certificate 5727 was issued for Permit 14632 to Edward E. Willhoyt for 2.0 cfs not to exceed 328.0 acre-feet annually for irrigation and domestic use on 82 acres within the SW $\frac{1}{4}$  SE $\frac{1}{4}$  Section 4, and the NW $\frac{1}{4}$  NE $\frac{1}{4}$  and the SW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 9, T.13N., R.26E., M.D.B.&M. The point of diversion is located within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 9.<sup>2</sup>

II.

Water Resources Bulletin No. 38, "Water Resources and Development in Mason Valley, Lyon and Mineral Counties, Nevada, 1948-65", was cooperatively prepared in 1969 by the Nevada Department of Conservation and Natural Resources, Division of Water

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<sup>1</sup> File No. 57212, official records in the Office of the State Engineer.

<sup>2</sup> File No. 14632, official records in the Office of the State Engineer.

Resources and the U.S. Department of the Interior, Geological Survey.

III.

In accordance with NRS 534.030, on January 20, 1977, the State Engineer designated and described the Mason Valley Ground Water Basin as a ground water basin in need of additional administration.<sup>3</sup>

FINDINGS OF FACT

I.

The State Engineer finds that the proposed point of diversion under Application 57212 is located within the designated Mason Valley Groundwater Basin.<sup>1,3</sup> The quantity of water already appropriated from this basin is approximately 150,000 AFA<sup>4</sup> and the quantity of water actually diverted from the ground water aquifer has increased to an estimated 102,000 AFA in 1994.<sup>5</sup> Both appropriations and pumpage exceed the perennial yield of 25,000 AFA.<sup>6</sup> As a result, the elevation of the ground water surface has dramatically dropped in recent years causing some wells to dry up.<sup>7</sup> Some wells owned by holders of existing water rights were drilled deeper or plugged and re-drilled to ensure adequate water supply.<sup>8</sup>

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<sup>3</sup> State Engineer's Order No. 627, dated January 20, 1977, and State Engineer's Order No. 691, dated September 7, 1977, official records in the Office of the State Engineer.

<sup>4</sup> Hydrographic Basin Abstract 9-108, official records in the Office of the State Engineer.

<sup>5</sup> Mason Valley and Smith Valley Groundwater Pumpage, 1994, official records in the Office of the State Engineer.

<sup>6</sup> Hydrographic Area Summary, Division of Water Planning, official records in the Office of the State Engineer.

<sup>7</sup> Mason Valley water level measurements, official records in the Office of the State Engineer.

<sup>8</sup> Well Completion Reports, and Well Driller's data base, official records in the Office of the State Engineer.

Permits and Certificates of appropriation issued in the immediate area<sup>9</sup> of Application 57212 total approximately 21,000 acre-feet of groundwater per year.<sup>4</sup> The State Engineer finds that approval of Application 57212 would further increase pumpage from an already impacted area, would further increase the drop in the elevation of the ground water surface thereby conflicting with existing rights, and would threaten to prove detrimental to the public interest.

II.

The dramatic lowering of the ground water in recent years has caused hardships to water right holders and to domestic well owners in Mason Valley.<sup>8</sup> The State Engineer finds from the annual ground water elevation measurements made in Mason Valley that the ground water levels in the immediate area<sup>9</sup> of Application 57212 have dropped between 8 and 43 feet in the time period from 1986 to 1994.<sup>7</sup> The average water level drop for five wells in the immediate area was 23 feet.<sup>7</sup> The State Engineer finds that the additional pumping from the ground water source would cause additional lowering of the ground water table in the impacted area surrounding Application 57212 and would conflict with existing rights threatening to prove detrimental to the public interest.

III.

The State Engineer has denied previous applications proposing to change points of diversion and places of use of water rights into this same impacted area.<sup>10</sup>

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<sup>9</sup> T.12N., R.25E., Sections 1, 2, 10, 11, 12, 13, 14, 23, 24; T.12N., R.26E., Section 6; T.13N., R.25E., Sections 34, 35, 36; T.13N., R.26E., Section 31.

<sup>10</sup> State Engineer's Ruling No. 3828, dated September 5, 1991, official records in the Office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action.<sup>11</sup>

II.

The State Engineer is prohibited by law from granting a permit where:<sup>12</sup>

- 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 interest.

III.

The State Engineer concludes from the 1986 to 1994 ground water elevation level data<sup>7</sup> collected in the immediate area<sup>9</sup> of Application 57212, that the ground water reservoir in this area is impacted by excessive pumpage, and that allowing a permit for Application 57212 would further increase pumpage from this impacted area and thereby conflict with existing rights and threaten to prove detrimental to the public interest.

IV.

The State Engineer concludes that to grant a permit for Application 57212 in an area with a rapidly declining water table causing additional pumpage from the area would conflict with existing rights and threaten to prove detrimental to the public welfare.

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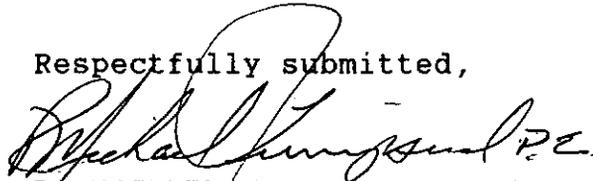
<sup>11</sup> NRS 533 and 534.

<sup>12</sup> NRS 533.370(3).

RULING

Application 57212 is hereby denied on the grounds that changing the point of diversion of the water right into an area of a rapidly declining water table would tend to impair the value of existing rights and would be otherwise detrimental to the public interest and welfare.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/SJT/CAB/pm

Dated this 11th day of  
October, 1995.