

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

IN THE MATTER OF APPLICATION 54962)
FILED TO APPROPRIATE UNDERGROUND)
WATER OF THE FERNLEY AREA GROUND-)
WATER BASIN (076) LYON COUNTY,)
NEVADA.)

RULING

4527

GENERAL

I.

Application 54962 was filed on June 15, 1990, by William F. Mitchell and Ida M. Mitchell to appropriate 0.6 cubic feet per second (cfs) of underground water from the Fernley Area Groundwater Basin, Lyon County, Nevada. The proposed manner and place of use is for quasi-municipal purposes within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22, T.20N., R.25E., M.D.B.&M. The proposed point of diversion is described as being located within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 22.¹

II.

Application 54962 was filed to appropriate water for development of a 100 unit condominium complex with an estimated water consumption of 29.2 million gallons per year.¹

III.

By Order No. 699, dated December 30, 1977, the State Engineer designated and described the Fernley Area Groundwater Basin under the provisions of NRS 534.030, as a basin in need of additional administration. The proposed point of diversion under the subject application falls within this designated area.²

FINDINGS OF FACT

I.

The perennial yield of a hydrologic basin is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. The

¹ File No. 54962, official records in the office of the State Engineer.

² State Engineer's Order No. 699, dated December 30, 1977, official records in the office of the State Engineer.

perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural recharge that can be salvaged for beneficial use. If the perennial yield is continually exceeded groundwater levels will decline until the groundwater reservoir is depleted. Withdrawals of ground water in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of groundwater gradients which could result in significant changes in the recharge-discharge relationship.³

The United States Geological Survey estimates that the perennial yield of the Fernley Area Groundwater Basin is 600 acre-feet annually, excluding any recharge obtained from secondary surface water irrigation.⁴ The committed groundwater resource in the form of permits and certificates issued by the State Engineer's office for ground water withdrawal within the Fernley Area Groundwater Basin exceeds 11,600 acre-feet annually.⁵ The State Engineer finds that the current committed groundwater resource of the Fernley Area Groundwater Basin exceeds the basins estimated perennial yield of the groundwater basin.

II.

The approval of Application 54962 would further increase pumpage from the already over-appropriated groundwater basin. The State Engineer finds that the approval of Application 54962 would conflict with the many existing water rights in the basin.

³ State Engineer's office, WATER FOR NEVADA, STATE OF NEVADA WATER PLANNING REPORT NO. 3, p. 13, October 1971.

⁴ Nowlin, Jon, GROUNDWATER QUALITY IN NEVADA - A PROPOSED MONITORING PROGRAM, Open File Report 78-768, U.S.G.S., p. 193.

⁵ Hydrologic Basin Abstract, official records in the office of the State Engineer.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the parties and of the subject matter of this action and determination.⁶

II.

The State Engineer is prohibited by law from granting a permit where:⁷

- A. there is no unappropriated water at the proposed source;
- 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 that to grant a permit under Application 54962 in a groundwater basin where the quantity of water under existing appropriations exceeds the perennial yield would conflict with existing rights and be detrimental to the public interest.

⁶ NRS Chapters 533 and 534.

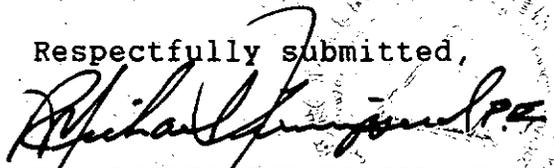
⁷ NRS 533.370.

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RULING

Application 54962 is hereby denied on the basis that granting the application would interfere with existing rights and be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 3rd day of
June, 1997.