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

IN THE MATTER OF APPLICATION 67396 FILED TO APPROPRIATE THE PUBLIC WATERS OF AN UNDERGROUND SOURCE WITHIN THE TRACY SEGMENT HYDROGRAPHIC BASIN (083), WASHOE COUNTY, NEVADA.

RULING

#5065

GENERAL

I.

Application 67396 was filed on April 4, 2001, by Edwin L. Depaoli to appropriate a poorly defined amount of underground water that is thought to be 180.0 acre-feet annually. The uncertainty regarding the amount of water requested for appropriation stems from the applicant's failure to submit the application in its complete and correct form. Based entirely upon the information supplied on the application, it appears that the applicant is requesting water from an existing well pumped into a reservoir impounding 180.0 acre-feet. The proposed manner and place of use is for the irrigation of 40 acres of land contained within portions of the S½ of Section 11, T.20N., R.21E., M.D.B.&M. The proposed point of diversion is described as being within the SE¼ SW¼ of said Section 11. The proposed period of use is described on the application as from March 15 through October 1.[1]

FINDINGS OF FACT

I.

The State Engineer designated and described the Tracy Segment, pursuant to Order Number 705, on March 1, 1978. The State Engineer finds that the proposed point of diversion and place of use are located within the boundaries of the Tracy Segment Groundwater Basin.

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[1] File No. 67396, official records in the office of the State Engineer

II.

The perennial yield of a groundwater reservoir may be defined as the maximum amount of ground water that can be salvaged each year over the long term without depleting the groundwater reservoir. Perennial yield is ultimately 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.[2]

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. The United States Geological Survey estimates the perennial yield of the Tracy Segment Groundwater Basin is approximately 5,000 acre-feet.[3] The committed groundwater resource in the form of permits and certificates issued by the State Engineer to appropriate underground water from the Tracy Segment Groundwater Basin currently exceeds 7,900.0 acre-feet annually.[4] The State Engineer finds that existing groundwater rights in the Tracy Segment Groundwater Basin exceed the perennial yield of the groundwater basin.

III.

Five previous water right applications that requested new appropriations of underground water from the Tracy Segment Groundwater Basin for irrigation purposes have been denied by the State Engineer[5]. All of these applications were denied on the

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[2] State Engineer's office, Water for Nevada, State of Nevada Water Planning Report No. 3, p. 13, Oct. 1971.
[3] Nowlin, Jon, Groundwater Quality in Nevada - A Proposed Monitoring Program, Open File Report 78-768, U.S. Geological Survey, p. 201.
[4] Special Hydrologic Basin Abstract, Water Rights Database, Basin 083, August 8, 2001, official records in the office of the State Engineer.
[5] File Nos. 35487, 35488, 35489, 50568, and 50569, official records in the office of the State Engineer.

grounds that their approval would adversely affect existing rights and would threaten to prove detrimental to the public interest.[6] The State Engineer finds that Application 67396 requests an appropriation of underground water for a manner of use that has previously been denied within the Tracy Segment Groundwater Basin.

IV.

Water right applications that requested new appropriations of irrigation water from the Tracy Segment Groundwater Basin have been denied by the State Engineer since November 30, 1978. These applications were denied on the grounds that their approval would conflict with existing water rights. Under the provisions of NRS § 533.370(3), if a previous application for a similar use of water within the same groundwater basin has been rejected because its approval would conflict with existing rights or threaten to prove detrimental to the public interest, the new application may be denied without publication. The State Engineer concludes that Application 67396 falls within the criteria established under NRS § 533.370(3); therefore, it can be denied prior to publication.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.[7]

II.

Application 67396 requests an appropriation of underground water from the Tracy Segment groundwater basin for irrigation purposes. The State Engineer has previously denied similar requests on the grounds that the approval of additional appropriations of underground water for irrigation purposes

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[6] State Engineer's Ruling Nos. 2431 and 3482, official records in the office of the State Engineer.
[7] NRS chapters 533 and 534.

would adversely affect existing water rights within the groundwater basin while threatening to prove detrimental to the public interest. The State Engineer concludes that the approval of Application 67396 would have a similar effect on the existing water rights and the public interest; therefore, Application 67396 must be denied.

RULING

Application 67396 is hereby denied on the grounds that its approval would conflict with existing water rights and threaten to prove detrimental to the public interest.

Respectfully submitted,

Hugh Ricci, P.E.
State Engineer

HR/MDB/hf

Dated this 4th day of September, 2001.