

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

IN THE MATTER OF APPLICATION )  
60655 TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND )  
SOURCE WITHIN THE BUENA VISTA )  
VALLEY HYDROGRAPHIC BASIN )  
(129), PERSHING COUNTY, NEVADA. )

**RULING**

**#5362**

**GENERAL**

**I.**

Application 60655 was filed November 15, 1994, by Paul W. Knoop and Patricia A. Knoop to appropriate 0.50 cubic feet per second of water from an underground source for the supplemental irrigation of 22.04 acres of land located within portions of the NW $\frac{1}{4}$  NE $\frac{1}{4}$ , NE $\frac{1}{4}$  NE $\frac{1}{4}$ , SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 27 and portions of the NW $\frac{1}{4}$  NW $\frac{1}{4}$  and SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 26, T. 30N., R. 34E., 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 Section 27, T.30N., R.34E., M.D.B.&M.<sup>1</sup>

**II.**

Diana Baroli Spoor timely protested application 60655 on the following grounds.<sup>1</sup>

My concern is that the drilling of this well could possibly dry up the Unionville Creek. Even in a non drought year the creek barely reaches our property as I am the last water user in Unionville property and the creek is the only irrigation I have. I feel it would be very detrimental [sic] for my position. My well water itself is very shallow and would probably not be effected by his well.

Diana Baroli Spoor requests that the State Engineer denies Application 60655.

**III.**

Harold L. and Wilma M. Jones timely protested Application 60655 on the following grounds:<sup>1</sup>

Aside from our water needs for our Bed & Breakfast business we are extremely alarmed at the prospect of any further water supply loss, in some years of drought conditions. Some years we need to carry water for our farm animals as the creek goes dry and feel there is no justified need

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<sup>1</sup> File No. 60655, official records in the Office of the State Engineer.

to increase pumping of water for irrigation up the canyon. The last house down the canyon needs to have water carried from our well as theirs goes dry – in some years.

Harold L. and Wilma M. Jones requests that the State Engineer denies Application 60655.

#### IV.

Grover Nelson Jones, Jr., timely protested Application 60655 on the following grounds:<sup>1</sup>

1. In my opinion, applicant already over uses existing surface water diversion. There is a high probability that similar abuse will occur with a new well.
2. Applicant's well may adversely effect aquifer levels above his proposed site in dry years. This will effect my well production for residential use on Parcel 12 – 020 – 04.
3. Applicant has not demonstrated need or potential loss if new well is not developed.

Grover Nelson Jones, Jr. requests that the State Engineer denies Application 60655.

#### V.

Margaret F. Trego timely protested Application 60655 on the following grounds:<sup>1</sup>

This is an addendum to my protest Number 89525 so that I may emphasize my objection to heavy pumping of deep wells. Such heavy pumping not only jeopardizes aquifers over a wide area but also uses up ancient water (sometimes termed "fossil water") which is irreplaceable. Removal of deep water has been known to affect water closer to the surface thus negating previous adjudications and may even lessen well prduction [sic] and lessen stream flow. No need for excessive water use has been stated in application Number 60655.

Margaret F. Trego requests that the State Engineer denies Application 60655.

### **FINDINGS OF FACT**

#### I.

The State Engineer designated the Buena Vista Valley Hydrographic Basin under the provisions of NRS § 534.030 on October 2, 1979, as a basin in need of additional

administration.<sup>2</sup> The State Engineer finds that the proposed point of diversion and place of use, as described in Application 60655, are within the designated Buena Vista Valley Hydrographic Basin.

## II.

NRS § 533.370 subsection 4 states:

Except as otherwise provided in subsection 7, where there is no unappropriated water in the proposed source of supply, or where its proposed use or change conflicts with existing rights or with protectible interests in existing domestic wells as set forth in NRS 533.024, or threatens to prove detrimental to the public interest, the State Engineer shall reject the application and refuse to issue the requested permit. If a previous application for a similar use of water within the same basin has been rejected on those grounds, the new application may be denied without publication.

The State Engineer finds that Application 60655 was filed to appropriate underground water for a similar purpose and in the same groundwater basin as applications that have been denied in the past.<sup>3</sup>

## CONCLUSIONS

### I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>4</sup>

### II.

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

- A. there is no unappropriated water at the proposed source; or
- B. the proposed use conflicts with existing rights; or
- C. the proposed use or change conflicts with the protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use threatens to prove detrimental to the public interest.

### III.

The State Engineer concludes that to approve a permit under Application 60655 in a groundwater basin where applications for the same use have been previously denied

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<sup>2</sup> State Engineer's Order No. 732, official records in the Office of the State Engineer.

<sup>3</sup> State Engineer's Ruling Nos. 2199, 2741, 2757, 2782, 2984, 2998, 3169 and 4710, official records in the Office of the State Engineer.

<sup>4</sup> NRS chapters 533 and 534.

would conflict with existing rights within the Buena Vista Valley Hydrographic Basin and would threaten to prove detrimental to the public interest.

**RULING**

Application 60655 is hereby denied on the grounds that granting the application would interfere with existing rights and would prove detrimental to the public interest. No ruling is made on the merits of the protests.

Respectfully submitted,



HUGH RICCI, P.E.  
State Engineer

HR/KH/jm

Dated this 4th day of  
June 2004.