

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

IN THE MATTER OF APPLICATIONS 71601)
AND 71602 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE NEWARK VALLEY)
HYDROGRAPHIC BASIN (154), WHITE PINE)
COUNTY, NEVADA.)

RULING
5561

GENERAL

I.

Application 71601 was filed on August 23, 2004, by Warren W. and G. Gary Scoppettone to appropriate 3.4 cubic feet per second (cfs) of underground water in the Newark Valley Hydrographic Basin (154) for the irrigation of 200 acres of land that are described as being located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 14, T.18N., R.55E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 14, T.18N., R.55E., M.D.B.&M.¹

II.

Application 71602 was filed on August 23, 2004, by Warren W. and G. Gary Scoppettone to appropriate 2.7 cfs of underground water in the Newark Valley Hydrographic Basin (154) for the irrigation of 160 acres of land that are described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, in T.18N., R.55E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, in T.18N., R.55E., M.D.B.&M.²

FINDINGS OF FACT

I.

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 discharge that

¹ File No. 71601, official records in the Office of the State Engineer.

² File No. 71602, official records in the Office of the State Engineer.

can be salvaged for beneficial use. If the perennial yield is continually exceeded, groundwater levels will decline.³ 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, increase in cost due to 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 Newark Valley Hydrographic Basin to be approximately 18,000 acre-feet.⁴ The committed groundwater resource in the form of permits and certificates issued by the State Engineer to appropriate underground water from the Newark Valley Hydrographic Basin currently exceeds 27,000 acre-feet annually.⁵ The State Engineer finds that existing groundwater rights in the Newark Valley Hydrographic Basin exceeds the perennial yield of the groundwater basin.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁷

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

³ State Engineer's Office, Water for Nevada, State of Nevada Water Planning Report No. 3, p. 13, Oct. 1971.

⁴ Nowlin, Jon, Groundwater Quality in Nevada – A Proposed Monitoring Program, Open File Report 78-768, U.S. Geological Survey, p. 201.

⁵ Special Hydrologic Basin Abstract, Water rights Database, Basin 154, January 31, 2006, official records within the Office of the State Engineer.

⁶ NRS chapters 533 and 534.

⁷ NRS § 533.370(4).

III.

Applications 71601 and 71602 request the appropriation of underground water for irrigation purposes from the Newark Valley Hydrographic Basin where there is no water remaining to be appropriated. The State Engineer concludes that the approval of Applications 71601 and 71602 would adversely affect existing water rights within the groundwater basin while threatening to prove detrimental to the public interest; therefore, Applications 71601 and 71602 must be denied.

RULING

Applications 71601 and 71602 are hereby denied on the grounds that their 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/WHR/jm

Dated this 9th day of

February, 2006.