

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

IN THE MATTER OF APPLICATIONS )  
53993, 53996, 64680, 64681, 72565, )  
72566, 72567, 72568, 72569, 72570, )  
72571, 72572, 72573, 72574, 72575, )  
72576, 72577, 72589, 72590, 72591, )  
72592, 72593, 72594, 72595, 72596, )  
72597, 72598, 72599, 72600, 72601, )  
72602, 73287 AND 74400, FILED TO )  
APPROPRIATE THE PUBLIC WATERS OF )  
AN UNDERGROUND SOURCE WITHIN THE )  
LAKE VALLEY HYDROGRAPHIC BASIN )  
(183), LINCOLN COUNTY, NEVADA. )

RULING  
**#5922**

GENERAL

I.

Application 53993 was filed on October 17, 1989, by the Las Vegas Valley Water District and later assigned to the Lincoln County Water District to appropriate 6.0 cubic feet per second (cfs) of underground water for municipal and domestic purposes. The proposed place of use is described as being located within Lincoln, Nye, White Pine and Clark Counties. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 30, T.6N., R.66E., M.D.B.&M.<sup>1</sup>

II.

Application 53996 was filed on October 17, 1989, by the Las Vegas Valley Water District and later assigned to the Lincoln County Water District to appropriate 10.0 cfs of underground water for municipal and domestic purposes. The proposed place of use is described as being located within Lincoln, Nye, White Pine and Clark Counties. The

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<sup>1</sup> File No. 53993, official records in the Office of the State Engineer.

proposed point of diversion is described as being located within the SW¼ SE¼ of Section 26, T.6N., R.67E., M.D.B.&M.<sup>2</sup>

III.

Application 64680 was filed on December 11, 1998, by Lincoln County and Vidler Water Company, Inc., and later assigned to the Lincoln County Water District and Vidler Water Company, Inc., to appropriate 10.0 cfs of underground water for irrigation purposes. The proposed place of use is described as being located on 1,280 acres within Sections 8, 16 and 17, T.8N., R.66E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ SW¼ of Section 17, T.8N., R.66E., M.D.B.&M.<sup>3</sup>

IV.

Application 64681 was filed on December 11, 1998, by Lincoln County and Vidler Water Company, Inc., and later assigned to the Lincoln County Water District and Vidler Water Company, Inc., to appropriate 10.0 cfs of underground water for irrigation purposes. The proposed place of use is described as being located on 1,280 acres within Sections 14, 15, and the N½ of Section 23, T.5N., R.66E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NW¼ of Section 23, T.5N., R.66E., M.D.B.&M.<sup>4</sup>

V.

Application 72565 was filed on April 11, 2005, by Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of underground water for irrigation and domestic purposes. The proposed place of use is described as being 6,042 acres

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<sup>2</sup> File No. 53996, official records in the Office of the State Engineer.

<sup>3</sup> File No. 64680, official records in the Office of the State Engineer.

<sup>4</sup> File No. 64681, official records in the Office of the State Engineer.

located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the SW¼ SW¼ of Section 3, T.6N., R.66E., M.D.B.&M.<sup>5</sup>

VI.

Application 72566 was filed on April 11, 2005, by Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of underground water for irrigation and domestic purposes. The proposed place of use is described as being 6,042 acres located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the SW¼ SW¼ of Section 15, T.6N., R.66E., M.D.B.&M.<sup>6</sup>

VII.

Application 72567 was filed on April 11, 2005, by Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of underground water for irrigation and domestic purposes. The proposed place of use is described as being 6,042 acres located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the NE¼ SW¼ of Section 20, T.6N., R.66E., M.D.B.&M.<sup>7</sup>

VIII.

Application 72568 was filed on April 11, 2005, by Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of

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<sup>5</sup> File No. 72565, official records in the Office of the State Engineer.

<sup>6</sup> File No. 72566, official records in the Office of the State Engineer.

<sup>7</sup> File No. 72567, official records in the Office of the State Engineer.

underground water for irrigation and domestic purposes. The proposed place of use is described as being 6,042 acres located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the SE¼ NW¼ of Section 29, T.6N., R.66E., M.D.B.&M.<sup>8</sup>

**IX.**

Application 72569 was filed on April 11, 2005, by Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of underground water for irrigation and domestic purposes. The proposed place of use is described as being 6,042 acres located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the NE¼ SE¼ of Section 22, T.6N., R.66E., M.D.B.&M.<sup>9</sup>

**X.**

Application 72570 was filed on April 11, 2005, by Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of underground water for irrigation and domestic purposes. The proposed place of use is described as being 6,042 acres located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the NE¼ SE¼ of Section 27, T.6N., R.66E., M.D.B.&M.<sup>10</sup>

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<sup>8</sup> File No. 72568, official records in the Office of the State Engineer.

<sup>9</sup> File No. 72569, official records in the Office of the State Engineer.

<sup>10</sup> File No. 72570, official records in the Office of the State Engineer.

**XI.**

Application 72571 was filed on April 11, 2005, by Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of underground water for irrigation and domestic purposes. The proposed place of use is described as being 6,042 acres located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the NW¼ NW¼ of Section 33, T.6N., R.66E., M.D.B.&M.<sup>11</sup>

**XII.**

Application 72572 was filed on April 11, 2005, by Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of underground water for irrigation and domestic purposes. The proposed place of use is described as being 6,042 acres located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the Lot 5 of Section 3, T.5N., R.66E., M.D.B.&M.<sup>12</sup>

**XIII.**

Application 72573 was filed on April 11, 2005, by Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of underground water for irrigation and domestic purposes. The proposed place of use is described as being 6,042 acres located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being

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<sup>11</sup> File No. 72571, official records in the Office of the State Engineer.

<sup>12</sup> File No. 72572, official records in the Office of the State Engineer.

located within the Lot 9 of Section 4, T.5N., R.66E.,  
M.D.B.&M.<sup>13</sup>

**XIV.**

Application 72574 was filed on April 11, 2005, by  
Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of  
underground water for irrigation and domestic purposes.  
The proposed place of use is described as being 6,042 acres  
located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M.,  
further described in Attachment "A" of the application.  
The proposed point of diversion is described as being  
located within the Lot 8 of Section 2, T.5N., R.66E.,  
M.D.B.&M.<sup>14</sup>

**XV.**

Application 72575 was filed on April 11, 2005, by  
Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of  
underground water for irrigation and domestic purposes.  
The proposed place of use is described as being 6,042 acres  
located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M.,  
further described in Attachment "A" of the application.  
The proposed point of diversion is described as being  
located within the Lot 5 of Section 2, T.5N., R.66E.,  
M.D.B.&M.<sup>15</sup>

**XVI.**

Application 72576 was filed on April 11, 2005, by  
Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of  
underground water for irrigation and domestic purposes.  
The proposed place of use is described as being 6,042 acres  
located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M.,

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<sup>13</sup> File No. 72573, official records in the Office of the  
State Engineer.

<sup>14</sup> File No. 72574, official records in the Office of the  
State Engineer.

<sup>15</sup> File No. 72575, official records in the Office of the  
State Engineer.

further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the NE¼ SW¼ of Section 2, T.5N., R.66E., M.D.B.&M.<sup>16</sup>

**XVII.**

Application 72577 was filed on April 11, 2005, by Tuffy Ranch Properties, LLC, to appropriate 10.0 cfs of underground water for irrigation and domestic purposes. The proposed place of use is described as being 6,042 acres located within T.5N., R.66E., and T.6N., R.66E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the NE¼ NW¼ of Section 11, T.5N., R.66E., M.D.B.&M.<sup>17</sup>

**XVIII.**

Application 72589 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 10.0 cfs of underground water for municipal and domestic purposes. The proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the NE¼ NW¼ of Section 19, T.6N., R.66E., M.D.B.&M.<sup>18</sup>

**XIX.**

Application 72590 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 7.0 cfs of

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<sup>16</sup> File No. 72576, official records in the Office of the State Engineer.

<sup>17</sup> File No. 72577, official records in the Office of the State Engineer.

<sup>18</sup> File No. 72589, official records in the Office of the State Engineer.

underground water for municipal and domestic purposes. The proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the NW¼ NE¼ of Section 32, T.6N., R.66E., M.D.B.&M.<sup>19</sup>

**XX.**

Application 72591 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 6.0 cfs of underground water for municipal and domestic purposes. The proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the SE¼ SW¼ of Section 32, T.6N., R.66E., M.D.B.&M.<sup>20</sup>

**XXI.**

Application 72592 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 6.0 cfs of underground water for municipal and domestic purposes. The proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is

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<sup>19</sup> File No. 72590, official records in the Office of the State Engineer.

<sup>20</sup> File No. 72591, official records in the Office of the State Engineer.

described as being located within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 4, T.5N., R.66E., M.D.B.&M.<sup>21</sup>

**XXII.**

Application 72593 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 6.5 cfs of underground water for municipal and domestic purposes. The proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 9, T.5N., R.66E., M.D.B.&M.<sup>22</sup>

**XXIII.**

Application 72594 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 10.0 cfs of underground water for municipal and domestic purposes. The proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 14, T.5N., R.66E., M.D.B.&M.<sup>23</sup>

**XXIV.**

Application 72595 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 6.5 cfs of underground water for municipal and domestic purposes. The

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<sup>21</sup> File No. 72592, official records in the Office of the State Engineer.

<sup>22</sup> File No. 72593, official records in the Office of the State Engineer.

<sup>23</sup> File No. 72594, official records in the Office of the State Engineer.

proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the NW¼ NE¼ of Section 24, T.5N., R.66E., M.D.B.&M.<sup>24</sup>

**XXV.**

Application 72596 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 6.5 cfs of underground water for municipal and domestic purposes. The proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the SE¼ SW¼ of Section 18, T.5N., R.67E., M.D.B.&M.<sup>25</sup>

**XXVI.**

Application 72597 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 6.5 cfs of underground water for municipal and domestic purposes. The proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is

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<sup>24</sup> File No. 72595, official records in the Office of the State Engineer.

<sup>25</sup> File No. 72596, official records in the Office of the State Engineer.

described as being located within the SW¼ SE¼ of Section 12, T.5N., R.66E., M.D.B.&M.<sup>26</sup>

**XXVII.**

Application 72598 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 6.5 cfs of underground water for municipal and domestic purposes. The proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the SE¼ SW¼ of Section 7, T.5N., R.67E., M.D.B.&M.<sup>27</sup>

**XXIII.**

Application 72599 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 6.0 cfs of underground water for municipal and domestic purposes. The proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the Lot 2 of Section 6, T.5N., R.67E., M.D.B.&M.<sup>28</sup>

**XXIX.**

Application 72600 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 8.0 cfs of underground water for municipal and domestic purposes. The

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<sup>26</sup> File No. 72597, official records in the Office of the State Engineer.

<sup>27</sup> File No. 72598, official records in the Office of the State Engineer.

<sup>28</sup> File No. 72599, official records in the Office of the State Engineer.

proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the SW¼ NE¼ of Section 25, T.6N., R.66E., M.D.B.&M.<sup>29</sup>

**XXX.**

Application 72601 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 8.0 cfs of underground water for municipal and domestic purposes. The proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is described as being located within the SE¼ NE¼ of Section 19, T.6N., R.67E., M.D.B.&M.<sup>30</sup>

**XXXI.**

Application 72602 was filed on April 13, 2005, by Coyote Springs Investment, LLC, to appropriate 10.0 cfs of underground water for municipal and domestic purposes. The proposed place of use is described as being the Coyote Springs development located within portions of T.11S., R.63E.; T.12S., R.63E.; T.12S., R.64E.; T.13S., R.63E.; and T.13S., R.64E., M.D.B.&M., further described in Attachment "A" of the application. The proposed point of diversion is

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<sup>29</sup> File No. 72600, official records in the Office of the State Engineer.

<sup>30</sup> File No. 72601, official records in the Office of the State Engineer.

described as being located within the SE¼ NW¼ of Section 17, T.6N., R.67E., M.D.B.&M.<sup>31</sup>

**XXXII.**

Application 73287 was filed on September 29, 2005, by Phillip D. and Ginger R. Moss to appropriate 0.884 cfs of underground water for irrigation and domestic purposes. The proposed place of use is described as being located within the SE¼ NE¼, SW¼ NE¼, SE¼ NW¼, SW¼ NW¼ of Section 27, T.6N., R.67E., M.D.B.&M. The proposed point of diversion is described as being located within SW¼ NE¼ of said Section 27.<sup>32</sup>

**XXXIII.**

Application 74400 was filed on June 19, 2006, by Terrance K. Bird or Joy R. Bird to appropriate 0.00774 cfs of underground water for irrigation (Tree Farm) purposes. The proposed place of use is described as being 10 acres located within the NE¼ SE¼ SE¼ of Section 2, T.5N., R.65E., M.D.B.&M. The proposed point of diversion is described as being located within SE¼ SE¼ of said Section 2.<sup>33</sup>

**XXXIV.**

Applications 53993, 53996, 64680, 64681, 72565, 72566, 72567, 72568, 72569, 72570, 72571, 72572, 72573, 72574, 72575, 72576, 72577, 72589, 72590, 72591, 72592, 72593, 72594, 72595, 72596, 72597, 72598, 72599, 72600, 72601, and 72602 were timely protested on various grounds including that the committed ground-water resources already exceed the ground-water recharge and perennial yield and any approvals would threaten to prove detrimental to the public

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<sup>31</sup> File No. 72602, official records in the Office of the State Engineer.

<sup>32</sup> File No. 73287, official records in the Office of the State Engineer.

<sup>33</sup> File No. 74400, official records in the Office of the State Engineer.

interest. No additional protest grounds were considered in this ruling.<sup>1-31</sup> Applications 73287 and 74400 were not protested.<sup>32, 33</sup>

#### FINDINGS OF FACT

##### I.

Nevada Revised Statute (NRS) § 533.365(3) provides that it is within the State Engineer's discretion to determine whether a public administrative hearing is necessary to address the merits of a protest to an application to appropriate the public waters of the State of Nevada. The State Engineer finds that in the case of these protested applications there is sufficient information contained within the records of the Office of the State Engineer to gain a full understanding of the issues and a hearing on this matter is not required.

##### II.

State Engineer's Order No. 726, issued June 11, 1979, described and designated the Lake Valley Hydrographic Basin as a ground-water basin in need of additional administration under the provisions of NRS § 534.030.<sup>34</sup> The description of the proposed points of diversion found within the subject applications and their supporting maps were used to plot the location of the proposed well sites.

The State Engineer finds that the applications have proposed points of diversion located within the hydrologic boundaries of the designated Lake Valley Hydrographic Basin.

##### III.

An examination of the records of the Office of the State Engineer identified numerous water right applications with proposed points of diversion located within the Lake

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<sup>34</sup> State Engineer's Order No. 726, dated June 11, 1979, official records in the Office of the State Engineer.

Valley Hydrographic Basin that have been denied on the basis that existing water rights exceed the annual recharge to the basin.<sup>35</sup> The State Engineer finds that previous applications to appropriate additional water in the Lake Valley Hydrographic Basin have been denied.

#### IV.

Nevada Revised Statutes chapters 533 and 534 and the policies developed by the Office of the State Engineer control the appropriation of water within the state of Nevada. Under the provisions found under NRS § 533.370(5), before an application that requests a new appropriation of underground water can be considered for approval it must be determined that there is unappropriated water available. The answer to the question of what amount of underground water is available for additional appropriation from the Lake Valley Hydrographic Basin can be found in an analysis of the basin's recharge-discharge relationship. Central to this equation is the concept of the perennial yield of the Lake Valley Hydrographic Basin.

The United States Geological Survey (USGS) estimates that the perennial yield of the Lake Valley Hydrographic Basin is 12,000 acre-feet annually (afa).<sup>36</sup> In 2007, the USGS estimated the annual ground-water recharge of Lake Valley as part of the Basin and Range Carbonate-rock Aquifer System Study (BARCASS) at 13,000 afa and 6,100 afa,

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<sup>35</sup> State Engineer's Ruling Nos. 2474, 2535 and 2716, dated June 8, 1979, April 17, 1980, and September 10, 1981, respectively, official records in the Office of the State Engineer.

<sup>36</sup> Walker, G.E. and Eakin, T.E., *Ground-Water Resources - Reconnaissance Series Report 24*, Ground-Water Appraisal of Lake Valley in Lincoln and White Pine Counties, Nevada, Department of Conservation and Natural Resources in Cooperation with the U.S. Geological Survey (1963).

respectively.<sup>37</sup> In 2008, the basin's recharge-discharge relationship was analyzed in State Engineer's Ruling No. 5918,<sup>38</sup> and a perennial yield value of 13,000 afa was utilized. These estimates are critical in determining the degree of regulation, which must be placed upon a ground-water basin's limited ground-water resources.

The amount of water requested for appropriation is not shown on the subject applications; only a diversion rate is indicated. Although there is only a diversion rate specified for the applications, additional information contained in the application files indicates that the Applicants are requesting over 131,867 afa in new appropriations of water.

A review of records on file in the Office of the State Engineer show that the committed ground-water resources in the Lake Valley Hydrographic Basin total over 24,000 afa.<sup>39</sup>

The State Engineer finds that an imbalance exists between the committed ground-water resources and the available perennial yield. The State Engineer finds that the applications are requesting the appropriation of over 131,000 afa of additional water; a quantity of water that would vastly exacerbate the current imbalance between the estimated perennial yield and existing ground-water rights.

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<sup>37</sup> Welch, Alan H., Bright, Daniel J., and Knochenmus, Lari A., *Water Resources of the Basin and Range Carbonate-Rock Aquifer System, White Pine County, Nevada, and Adjacent Areas in Nevada and Utah*, U.S. Geological Survey, SIR 2007-5261, pp.43-63, (2007).

<sup>38</sup> State Engineer's Ruling No. 5918, December 3, 2008, official records on file in the Office of the State Engineer.

<sup>39</sup> Note, the committed ground-water resource in the Lake Valley Hydrographic Basin is reduced to about 15,000 afa when adjusted for supplemental and consumptive use.

V.

Applications 72565 through 72577 and Applications 72589 through 72602 state on the applications that the applicant intends to develop water from the "carbonate system." The wells would be drilled to proven depths of the carbonate aquifer.

The State Engineer finds that the depth of the proposed water wells and whether the proposed water wells penetrate the carbonate rock aquifer is immaterial to the perennial yield analysis, which determines the amount of water available for development within the basin.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>40</sup>

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:<sup>41</sup>

- 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.

III.

The State Engineer concludes that previous applications to appropriate water have been denied in the Lake Valley Hydrographic Basin; therefore, Applications 53993, 53996, 64680, 64681, 72565, 72566, 72567, 72568, 72569, 72570, 72571, 72572, 72573, 72574, 72575, 72576,

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<sup>40</sup> NRS chapters 533 and 534.

<sup>41</sup> NRS § 533.370(5).

72577, 72589, 72590, 72591, 72592, 72593, 72594, 72595, 72596, 72597, 72598, 72599, 72600, 72601, 72602, 73287 and 74400 may be considered for denial.

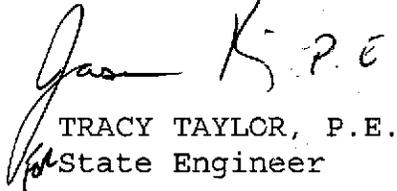
IV.

The committed ground-water resources of the Lake Valley Hydrographic Basin currently exceed the ground-water basin's estimated perennial yield. The State Engineer concludes that the approval the subject applications would result in the withdrawal of ground water in gross excess of the perennial yield and therefore, would adversely affect existing rights and would threaten to prove detrimental to the public interest.

RULING

Applications 53993, 53996, 64680, 64681, 72565, 72566, 72567, 72568, 72569, 72570, 72571, 72572, 72573, 72574, 72575, 72576, 72577, 72589, 72590, 72591, 72592, 72593, 72594, 72595, 72596, 72597, 72598, 72599, 72600, 72601, 72602, 73287 and 74400 are hereby denied on the grounds that their approval would conflict with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,

  
TRACY TAYLOR, P.E.  
State Engineer

TT/TW/jm

Dated this 9th day of

January, 2009.