

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

IN THE MATTER OF APPLICATION 75942)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE STEPTOE VALLEY)
HYDROGRAPHIC BASIN (179), WHITE PINE)
COUNTY, NEVADA.)

RULING

5977

GENERAL

I.

Application 75942 was filed on June 25, 2007, by Hancock Family Trust to appropriate 1.0 cubic foot per second of water from an underground source. The proposed manner of use is for irrigation and domestic purposes. The proposed place of use is described as being located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 12, T.15N., R.63E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 12.¹

FINDINGS OF FACT

I.

Application 75942 requests a new appropriation of water within the Steptoe Valley Hydrographic Basin. The Applicant's intent is to irrigate 9.6 acres of land. The duty of water required for 9.6 acres of land at a rate of 4 acre-feet per acre equates to a requested appropriation of 38.4 acre-feet annually.

The perennial yield of a ground-water reservoir may be defined as the maximum amount of ground water that can be salvaged each year over the long term without depleting the ground-water reservoir. Perennial yield is ultimately limited to the maximum amount of natural discharge that can be salvaged for beneficial use. The perennial yield cannot be more than the natural recharge to a ground-water basin and in some cases is less. If the perennial yield is exceeded, ground-water levels will decline and steady-state conditions will not be achieved, a situation commonly referred to as ground-water mining. Additionally, withdrawals of ground water in excess of the perennial yield may contribute to adverse conditions such as water quality

¹ File No. 75942, official records in the Office of the State Engineer.

degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, and land subsidence.²

The United States Geological Survey estimates that the perennial yield of the Steptoe Valley Hydrographic Basin is approximately 70,000 acre-feet.³ The committed ground-water resource in the form of permits and certificates issued by the State Engineer to appropriate underground water from the Steptoe Valley Hydrographic Basin currently exceeds 97,000 afa.⁴ The State Engineer finds that existing ground-water rights in the Steptoe Valley Hydrographic Basin currently exceed the estimated perennial yield.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁵

II.

The State Engineer is prohibited by law from granting a permit under an application that requests to appropriate public waters where:⁶

- 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 the committed ground-water resources of the Steptoe Valley Hydrographic Basin currently exceed the estimated perennial yield. The State Engineer

² Office of the State Engineer, *Water for Nevada, State of Nevada Water Planning Report No. 3*, p. 13, Oct. 1971.

³ Thomas E. Eakin, Jerry L. Hughes, and Donald O. Moore, *Water-Resources Appraisal of the Steptoe Valley, White Pine and Elko Counties, Nevada*, Water Resources-Reconnaissance Series Report 42, (State of Nevada, Department of Conservation and Natural Resources and United States Geological Survey, U.S. Department of Interior), p. 26, 1967.

⁴ Special Hydrologic Basin Abstract, Water Rights Database, Basin 179, March 27, 2009, official records in the Office of the State Engineer.

⁵ NRS chapters 533 and 534.

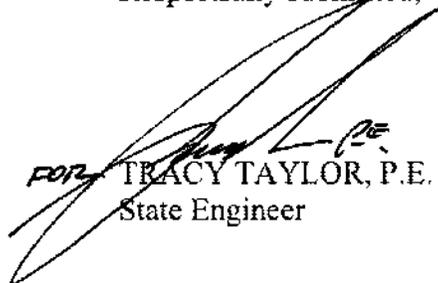
⁶ NRS § 533.370(5).

concludes that the approval of the subject application would result in the withdrawal of ground water in excess of the perennial yield, and therefore, would adversely affect existing rights and would threaten to prove detrimental to the public interest.

RULING

Application 75942 is hereby denied on the grounds that its approval would conflict with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer

TI/KMH/jm

Dated this 20th day of
April, 2009.