

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

IN THE MATTER OF APPLICATION 80111)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE BUFFALO VALLEY)
HYDROGRAPHIC BASIN (131), PERSHING)
COUNTY, NEVADA.)

RULING

#6093

GENERAL

I.

Application 80111 was filed on August 18, 2010, by Joe Saval Company, LLC, to appropriate 1.5 cubic feet per second (cfs), not to exceed 320 acre-feet annually (afa), of underground water in the Buffalo Valley Hydrographic Basin for irrigation purposes. The proposed place of use is described as being located within portions of the W $\frac{1}{2}$ E $\frac{1}{2}$ and E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 7 and the NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 18, all in T.29N., R.41E., 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 7, T.29N., R.41E., M.D.B.&M.¹

FINDINGS OF FACT

I.

Nevada Revised Statute 533.370(5) provides that 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. On October 14, 2004, the State Engineer issued Ruling No. 5430 that denied irrigation applications for the Buffalo Valley Hydrographic Basin because the approval of the subject applications would result in withdrawal of substantial amounts of ground water for irrigation purposes in excess of the perennial yield and therefore, would adversely affect existing rights and threaten to prove detrimental to the public interest.² The State Engineer finds that previous applications have been denied for similar uses in the Buffalo Valley Hydrographic Basin; therefore, Application 80111 may be considered for denial.

¹ File No. 80111, official records in the Office of the State Engineer.

² State Engineer's Ruling No. 5430, dated October 14, 2004, official records in the Office of the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and subject matter of this action and determination.³

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁴

- 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.

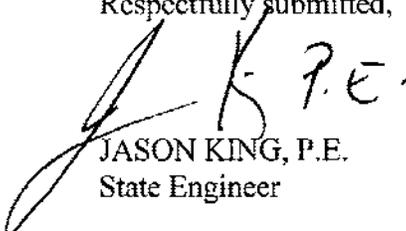
III.

Application 80111 requests the appropriation of underground water for irrigation purposes from the Buffalo Valley Hydrographic Basin where previous applications for irrigation purposes have been denied. The State Engineer concludes that the approval of this application would conflict with existing water rights within the groundwater basin and threaten to prove detrimental to the public interest; therefore, Application 80111 must be denied.

RULING

Application 80111 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,


JASON KING, P.E.
State Engineer

Dated this 15th day of,
February, 2011.

³ NRS Chapters 533 and 534.

⁴ NRS § 533.370(5).