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

IN THE MATTER OF APPLICATIONS 64999)
AND 83040 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE THOUSAND SPRINGS)
VALLEY, MONTELLO-CRITTENDEN CREEK)
AREA, HYDROGRAPHIC BASIN (189D), ELKO)
COUNTY, NEVADA.)

RULING

#6361

GENERAL

I.

Application 64999 was filed on April 2, 1999, by Walker-Winecup-Gamble, Inc. to appropriate 5.6 cubic feet per second (cfs) of water from an underground source for irrigation purposes. The proposed point of diversion is described as being located within the NW¼ SE¼ of Section 23, T.40N., R.69E., M.D.B.&M. The proposed place of use is described as being located within portions of Sections 13, 14, 15, 16, 21, 22, 23, 24, 26, 27 and 28, T.40N., R.69E., M.D.B.&M.[1] The remarks section of the application indicates it was filled to allow for the expansion of acreage limited under Ruling No. 4717.

II.

Application 83040 was filed on April 26, 2013, by Walker-Winecup-Gamble, Inc. to appropriate 2.5 cfs, not to exceed 2.0 acre-feet annually, of water from an underground source for irrigation purposes. The proposed point of diversion is described as being located within the NW¼ SE¼ of Section 29, T.41N., R.69E., M.D.B.&M. The proposed place of use is described as being located within the S½ S½ of Section 20, Section 29, and Section 32, T.41N., R.69E., M.D.B.&M.[2]

FINDINGS OF FACT

I.

The Thousand Springs Valley Hydrographic Basin, hydrologic area number 189, is divided into four major hydrologic segments or areas, namely: Herrill Siding-Brush

[1] File No. 64999, official records in the Office of the State Engineer.
[2] File No. 83040, official records in the Office of the State Engineer.

Creek Area (189A), Taono-Rock Spring Area (189B), Rocky Butte Area (189C), and Montello-Crittenden Creek Area (189D).[3]

In determining whether to approve or deny an application to appropriate groundwater in a particular basin, the State Engineer must determine whether any unappropriated water exists in that basin. The quantity of unappropriated water in a particular basin is equal to the difference between the perennial yield and the quantity of water already appropriated under permits and certificates issued by the State Engineer and pre-statutory vested water rights.

The perennial yield of a groundwater reservoir may be defined as the maximum amount of groundwater that can be withdrawn each year over the long term without depleting the groundwater reservoir. Perennial yield is ultimately limited to the maximum amount of natural discharge that can be utilized for beneficial use. The perennial yield cannot be more than the natural recharge to a groundwater basin and in some cases is less. If the perennial yield is exceeded, groundwater levels will decline and steady-state conditions will not be achieved, a situation commonly referred to as groundwater mining. Additionally, withdrawals of groundwater in excess of the perennial yield may contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, and land subsidence.[4]

The Division of Water Resources estimates that the perennial yield of the Thousand Springs Valley, Montello-Crittenden Creek Area, Hydrographic Basin is approximately 14,000 acre-feet.[5] The committed groundwater resource in the form of permits and certificates issued by the State Engineer to appropriate underground water from the Thousand Springs Valley, Montello-Crittenden Creek Area, Hydrographic Basin

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[3] F. Eugene Rush, *Water Resources Appraisal of Thousand Springs Valley, Elko County, Nevada*, Water Resources-Reconnaissance Series Report 47, (Nevada Department of Conservation and Natural Resources and United States Geological Survey), p. 48, June 1968.

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

[5] Jon O. Nowlin, *Ground-Water Quality in Nevada – A Proposed Monitoring Program, Open-File Report 78-768*, (United States Geological Survey), p. 201, 1986.

currently exceeds 20,748 afa.[6] Applications 64999 and 83040 seek to appropriate 3,960 acre-feet annually (afa) of water from the Montello-Crittenden Creek Area (189D). The State Engineer finds that the existing groundwater rights in this area exceed the perennial yield of the groundwater basin and that the basin is over appropriated.

CONCLUSIONS OF LAW

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.[7]

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public water where:[8]

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 protectable 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 there is no water available for appropriation and that granting permits under Applications 64999 and 83040 would result in the withdrawal of groundwater in excess of the perennial yield of the Thousand Springs Valley, Montello-Crittenden Creek Area Hydrographic Basin, adversely affect existing water rights and would threaten to prove detrimental to the public interest.

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[6] Nevada Division of Water Resources' Water Rights Database, Hydrographic Basin Summary, Thousand Springs Valley, Montello-Crittenden Creek Area Hydrographic Basin (189D), accessed July 8, 2016, official records in the Office of the State Engineer, available at *http://water.nv.gov/data/underground/*.

[7] NRS Chapters 533 and 534.

[8] NRS § 533.370(2).

RULING

Applications 64999 and 83040 are hereby denied on the grounds that there is no unappropriated water at the source and that approval would conflict with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,

JASON KING, P.E.
State Engineer

Dated this 9th day of September, 2016.