

IN THE MATTER OF APPLICATIONS 35783 AND)
35832 FILED BY CHEVRON U.S.A., INC., TO)
APPROPRIATE WATER FROM AN UNDERGROUND)
SOURCE IN KINGS RIVER VALLEY, HUMBOLDT)
COUNTY, NEVADA)

R U L I N G

30A

INTRODUCTION

I

Applications 35783 and 35832 were filed by Chevron U.S.A., Inc., to appropriate water from an underground source for mining, milling and domestic purposes in Kings River Valley, Humboldt County, Nevada.

FINDINGS OF FACT

I

Application 35783 was filed August 21, 1978, by Chevron U.S.A. Inc., to appropriate 3.34 c.f.s. from an underground source at a point located within the SE1/4 NW1/4 Section 6, T.45N., R.34E., M.D.B.& M. The proposed place of use is all of Section 6, T.45N., R.34E., M.D.B.& M., with the proposed manner of use as mining, milling and domestic and also the proposed period of use between January 1 and December 31 of each year. 1/

Application 35832 was filed September 1, 1978 by Chevron U.S.A. Inc., to appropriate 3.34 c.f.s. (1,500 g.p.m.) water from an underground source located within Lot 4, Section 6, T.45N., R.34E., M.D.B.& M. The proposed place of use is all of Section 6, T.45N., R.34E., M.D.B.& M., with the proposed manner of use as mining, milling and domestic and also the proposed period of use between January 1 and December 31 of each year. 2/

A protest to the granting of each of these applications was filed on November 13, 1978, by C. Reid Lau. The protests prayed that the applications be denied on the grounds set forth as follows: "Appropriation of water at this location will affect the ability to maintain sufficient water supply to operate irrigation systems currently in use. Furthermore, this valley has been closed for water filings". 3/

II

A field investigation was conducted on October 3, 1979 in the matter of the protests filed to the granting of Applications 35783 and 35832. 4/

III

A hearing was held before the State Engineer, after proper notice, in the matter of protested Applications 35783 and 35832 on January 30, 1980 in Winnemucca, Nevada. 5/

Testimony presented in behalf of the protestant expressed a concern that pumping the additional ground water applied for under Applications 35783 and 35832 would have an adverse effect on the water rights held by the protestant. In addition, the protestant was concerned with the proximity of the proposed well under Application 35783 to his existing well under Permit 17035.

Testimony presented in behalf of the applicant, Chevron U.S.A., Inc., indicated a rise of the static water level in the northern half of the Kings River Valley in the vicinity of the proposed Chevron wells. The witness was of the opinion that the granting of the Chevron applications limited to a total diversion of 1500 gallons per minute would not have an adverse effect on existing rights in the northern half of the valley. The expert witness for Chevron also recommended that the State Engineer designate the Kings River Ground Water Basin.

IV

The State Engineer finds that the conditions warrant the designation of Kings River Valley. Order No. 740 dated April 2, 1980 has been issued designating the Kings River Valley Ground Water Basin, Humboldt County, Nevada.

CONCLUSIONS

I

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

II

The State Engineer is required by statute to approve all applications made in proper form where:

- A. All fees have been paid which contemplate the application of water to beneficial use, and where
- B. The proposed use does not tend to impair the value of existing rights, or to be otherwise detrimental to the public welfare. 7/

III

In the interest of public welfare, the State Engineer is directed to declare preferred uses of water in a designated basin where the ground water is being depleted. 8/

IV

Testimony presented at the January 30, 1980, hearing indicated a rise or mounding of the static water level in the northern half of the Kings River Basin. This data is confirmed by the records available in the office of the State Engineer.

RULING
Page Three

V

Well spacing of existing and proposed wells is maintained of at least one-half mile apart. The total amount of diversion from either or both wells is to be limited to 1500 gallons per minute. 9/

RULING

The protests to the granting of Applications 35783 and 35832 are herewith overruled on the grounds that the granting of permits will not tend to impair the value of existing rights or be otherwise detrimental to the public welfare. Permits will be granted to Applications 35783 and 35832 upon payment of the statutory fees and will be limited to a total diversion under both permits not to exceed 1,500 gallons per minute and will be further subject to a reasonable lowering of the water table.

Respectfully submitted



William J. Newman
State Engineer

WJN/bc

Dated this 14th day
of APRIL, 1980.

FOOTNOTES

1. Public record available in the office of the State Engineer.
2. Public record available in the office of the State Engineer.
3. Public record available in the office of the State Engineer.
4. Public record available in the office of the State Engineer.
5. Transcript of January 30, 1980, hearing is a public record available in the office of the State Engineer.
6. NRS 534.020.
7. NRS 533.370, Section 1.
8. NRS 534.120, Section 2.
9. Transcript of January 30, 1980, hearing is a public record available in the office of the State Engineer.