

IN THE MATTER OF APPLICATIONS 41543,)
41544, AND 41545 FILED FOR THE WATERS)
OF AN UNDERGROUND SOURCE IN GOSHUTE)
VALLEY, ELKO COUNTY, NEVADA)

RULING

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Applications 41543, 41544, and 41545 were filed on June 19, 1980 by M. E. Clingman to appropriate 5.0 c.f.s. under each application. Diversions are to be made from underground sources within the SW1/4 NW1/4, Section 35, T.36N., R.67E., (41543); NW1/4 SE1/4, Section 35, T.36N., R.67E., (41544); and Lot 3, Section 1, T.35N., R.67E., (41545). The water is to be used for Quasi-Municipal and Domestic purposes to serve a truck stop with attendant services; restaurant (200 capacity), employee living facilities (200), motel (600 units), swimming pool (2), 40 acre park, landscaping, and other residences (1,000).

These applications were protested on November 11, 1980 by Robert J. Beaumont on the following grounds: "To grant this application which proposes to utilize large drafts from underground water sources would create an overappropriated groundwater system and seriously endanger existing water rights."

These applications were also protested on November 17, 1980 by the Board of County Commissioners, County of Elko on the following grounds: "Applications 41543, 41544, and 41545 are in the near proximity of Permits 29433 and 31192 that are commonly known as Silver Zone Wells No. 1 and 2. Said wells serve as a municipal water source for the towns at West Wendover, Nevada and Wendover, Utah. Protestant believes the above-noted applications will have a deleterious affect on the wells under Permits 29433 and 31192."

FINDINGS OF FACT

I

The proposed points of diversion under Applications 41543, 41544, and 41545 are the same as the proposed points of diversion previously filed on under Applications 38743, 38745, and 38740 respectively. 1/

II

The proposed well under Application 41545 would be approximately one mile from the Silver Zone Wells and the proposed wells under Applications 41543 and 41544 would be approximately 1 1/2 miles from the Silver Zone Wells. 2/

III

The adjusted perennial yield at Goshute Valley is estimated to be 7,700 acre-feet per year. 3/ Total certificated and permitted rights provide for the withdrawal of 6514 acre-feet per year from the groundwater basin. 4/

CONCLUSIONS

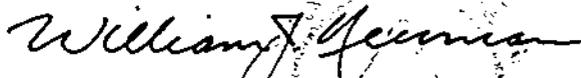
1. The State Engineer has jurisdiction under NRS 533.325. 5/
2. The State Engineer shall approve all applications made in proper form, where all fees have been paid, which contemplate the application of water to beneficial use, and where the proposed use does not tend to impair the value of existing rights, or to be otherwise detrimental to the public welfare. 6/
3. The estimated perennial yield of Goshute Valley is greater than the demand put on the resource by existing water rights. 7/ 8/

RULING

The protests to the granting of Applications 41543, 41544, and 41545 are hereby overruled and permits will be granted subject to the following terms and conditions:

1. The maximum diversion allowed shall be limited to 2.0 c.f.s. under each application.
2. Totalizing meters shall be installed and maintained on each well and accurate measurements must be kept of water placed to beneficial use.
3. It is understood that should the development of groundwater pursuant to these permits detrimentally affect prior groundwater rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights.
4. It is further understood that the granting of Applications 41543, 41544, and 41545 is conditioned on the withdrawal by the applicant of Applications 38740, 38741, 38742, 38743, 38744, and 38745 filed for irrigation purposes.

Respectfully submitted,



William J. Newman
State Engineer

Dated this 20th day
of May, 1981.

WJN/TS/kc

FOOTNOTES

1. Public Records in the Office of the State Engineer-Map filed September 4, 1979 under Application 38740 -Map filed June 23, 1980 under Application 41543.
2. Public records in the Office of the State Engineer-Map filed September 4, 1979 under Application 38740-Map filed September 24, 1975 under Application 29433-Map filed June 13, 1980 under Application 39110- Map filed June 27, 1980 under Application 41543.
3. Water Resources Bulletin No. 12 "Contributions to the Hydrology of Eastern Nevada." Pg. 8-Recharge estimate adjusted to delete Northern Antelope Valley.
4. Public Records in the Office of the State Engineer-summarized in Abstract and Statistical Report-Goshute Valley, May 5, 1980.
5. NRS 533.325
6. NRS 533.370
7. See Footnote 3 above.
8. See Footnote 4 above.