

IN THE MATTER OF APPLICATION 47686 )  
TO APPROPRIATE UNDERGROUND WATER )  
FROM BUENA VISTA VALLEY, PERSHING )  
COUNTY, NEVADA. )

RULING

INTRODUCTION

Water Resources Bulletin No. 13, "Geology and Ground-Water Resources of Buena Vista Valley, Pershing County, Nevada", by O.J. Loeltz and D.A. Phoenix was prepared cooperatively by the U.S. Geological Survey and the office of the State Engineer. A copy of this report is available for review in the State Engineer's office.

FINDINGS OF FACT

I.

Application 47686 was filed by George J. Lacko on February 14, 1984 to appropriate 3.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW1/4 NW1/4 of Section 29, T.30N., R.35E., M.D.B.&M., and the place of use is 166.95 acres within the N1/2 N1/2 of Section 29, T.30N., R.35E., M.D.B.&M.<sup>1</sup>

II.

An estimate of the annual recharge to the ground water basin in Buena Vista Valley is approximately 10,000 acre-feet.<sup>2</sup>

III.

Permits and certificates have been issued in Buena Vista Valley which could be used to divert over 25,000 acre-feet per year.<sup>3</sup>

IV.

The estimated water requirement for application 47686 is 667.8 acre-feet per year.

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<sup>1</sup> Public record in the office of the State Engineer.

<sup>2</sup> Water Resources Bulletin No. 13, pp. 26-27.

<sup>3</sup> State Engineer's Ruling No. 2741.

V.

Thirty applications filed prior to 47686 to appropriate underground water to irrigate additional lands have been denied in Buena Vista Valley.<sup>4</sup>

VI.

The State Engineer described and designated Buena Vista Valley as a designated ground water basin on October 2, 1979.<sup>5</sup>

VII.

Should additional water be allowed for appropriation for the irrigation of lands described in Item I and subsequent development of ground water thereto detrimentally affect prior ground water rights, the State Engineer is required by law to order that withdrawals be restricted to conform to priority rights.<sup>6</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.<sup>7</sup>

II.

The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water at the source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public welfare.<sup>8</sup>

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<sup>4</sup> Public records in the office of the State Engineer.

<sup>5</sup> NRS 534.030.

<sup>6</sup> NRS 534.110, subsections 3 and 6.

<sup>7</sup> NRS 533.025 and 533.030, subsection 1.

<sup>8</sup> NRS 533.370.

III.

If the subject applications were granted, additional lands would be irrigated. This would result in additional consumptive use by farmland irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which would not be replaced resulting in depletion of the ground water reservoir. The additional withdrawals and consumption of underground water for irrigation would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Application 47686 is hereby denied on the grounds that its granting would tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted



Peter G. Morros  
State Engineer

PGM/bl

Dated this 13th day of  
JULY, 1984.