

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

IN THE MATTER OF APPLICATION 60634)  
FILED TO APPROPRIATE THE WATERS OF)  
AN UNDERGROUND SOURCE WITHIN THE )  
STONE CABIN VALLEY GROUNDWATER )  
BASIN (149), NYE COUNTY, NEVADA. )

RULING

#4238

GENERAL

I.

Application 60634 was filed on November 2, 1994, by Stone Cabin Valley Farms, Inc., to appropriate 4.49 cfs, not to exceed 1,280 acre feet annually, of water from the Stone Cabin Valley Groundwater Basin for irrigation purposes. The point of diversion is identified as within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 3, T.3N., R.48E., M.D.B.&M., with the place of use identified as 320 acres within portions of Sections 3, 9 and 10, T.3N., R.48E., M.D.B.&M.<sup>1</sup>

II.

By Order 720, dated August 31, 1978, the State Engineer designated and described the Stone Cabin Valley Groundwater Basin under the provisions of NRS 534 (Conservation and Distribution of Underground Waters).<sup>2</sup>

FINDINGS OF FACT

I.

The perennial yield of the Stone Cabin Valley Groundwater Basin is estimated to be 2,000 acre feet annually.<sup>3</sup>

II.

The perennial yield of a hydrologic basin is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. Perennial yield cannot exceed the natural replenishment to an area

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<sup>1</sup> File No. 60634, official records in the Office of the State Engineer.

<sup>2</sup> State Engineer's Order No. 720, dated August 31, 1978, official records in the Office of the State Engineer.

<sup>3</sup> Hydrographic Area Summary, Division of Water Planning, official records in the Office of the State Engineer.

indefinitely, and ultimately is limited to the maximum amount of natural recharge that can be salvaged for beneficial use. If the perennial yield is continually exceeded, ground water levels will decline until the ground water reservoir is depleted. Withdrawals of ground water in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of ground water gradients which could result in significant changes in the recharge-discharge relationship.

III.

The State Engineer finds that existing certificated and permitted ground water rights in the Stone Cabin Valley Groundwater Basin exceed 2,857 acre feet annually.<sup>4</sup>

IV.

The State Engineer finds that existing ground water rights in the Stone Cabin Valley Groundwater Basin exceed the perennial yield of the basin.

V.

The State Engineer finds that Application 60634 proposes to divert an additional 1,280 acre feet annually from the Stone Cabin Valley Groundwater Basin.

VI.

The State Engineer has previously denied applications to appropriate ground water for irrigation purposes in the Stone Cabin Valley Groundwater Basin.<sup>5</sup>

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<sup>4</sup> Hydrographic Basin Abstract, Basin 10-149, official records in the Office of the State Engineer, February 1992.

<sup>5</sup> State Engineer's Ruling No. 2397, dated August 31, 1978, official records in the Office of the State Engineer.

CONCLUSIONS

I.

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

II.

The State Engineer is authorized by law to deny an application prior to publication when an application for a similar use of water within the same basin has been previously rejected pursuant to the criteria set forth in NRS 533.370(3). Applications for the use of the ground water from the Stone Cabin Valley Groundwater Basin for irrigation purposes have been previously rejected on the basis that no water was available for appropriation.

III.

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

1. There is no unappropriated water at the proposed source, or
2. The proposed use conflicts with existing rights, or
3. The proposed use threatens to prove detrimental to the public welfare.

IV.

The State Engineer concludes that existing ground water rights exceed the estimates of perennial yield in the Stone Cabin Valley Groundwater Basin and that to approve an additional appropriation for irrigation under Application 60634 from the limited ground water reservoir would adversely affect existing rights and be detrimental to the public interest.

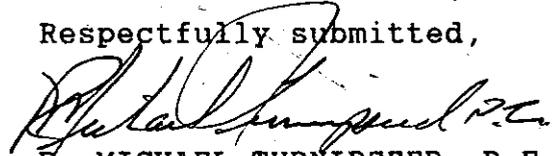
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<sup>6</sup> NRS 533 and 534.

RULING

Application 60634 is hereby denied on the grounds that no unappropriated water exists at the proposed source and that granting of the application would affect existing rights and be detrimental to the public interest.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MB/ab

Dated this 24th day of  
October, 1995.