

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

IN THE MATTER OF APPLICATIONS 55229)
AND 55230, FILED TO APPROPRIATE THE)
UNDERGROUND WATERS IN THE CHURCHILL)
VALLEY GROUNDWATER BASIN (102),)
LYON COUNTY, NEVADA.)

RULING

4269

GENERAL

I.

Application 55229 was filed on August 27, 1990, by Lumos and Associates, Inc. and Tenaya Land and Development Company to appropriate 0.5 cfs of water from an underground source to be diverted at a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, T.18N., R.24E., M.D.B.&M. The proposed manner of use is for quasi-municipal use within the W $\frac{1}{2}$ SW $\frac{1}{4}$, Section 35, and NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, T.18N., R.24E., M.D.B.&M.¹

Application 55230 was filed on August 27, 1990, by Lumos and Associates, Inc. and Tenaya Land and Development Company to appropriate 0.5 cfs of water from an underground source to be diverted at a point within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 34, T.18N., R.24E., M.D.B.&M. The proposed manner of use is for quasi-municipal use at the same place of use as that for Application 55229 described above.²

II.

On August 23, 1977, the State Engineer designated the Churchill Valley Groundwater Basin as a basin in need of additional administration as provided under NRS 534.030.³

¹ File No. 55229, official records in the Office of the State Engineer.

² File No. 55230, official records in the Office of the State Engineer.

³ State Engineer's Order No. 689, August 23, 1977, official records in the Office of the State Engineer.

FINDINGS OF FACT

I.

The perennial yield of a hydrologic system 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 indefinitely, and ultimately is limited to the maximum amount of natural recharge that can be salvaged for beneficial use.⁴

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, reduced pumpage, uneconomical pumping lifts, land subsidence and reversal of ground water gradients which could result in significant changes in the recharge-discharge relationship. The conditions have developed in several other ground water basins within the State of Nevada where storage depletion and declining water levels have been recorded and documented.⁵

The estimated perennial yield of the Churchill Valley Groundwater Basin is 1600 AFA.⁶ Permits and Certificates have been issued for 9,146 AFA of groundwater from this basin.⁷

The State Engineer finds that existing groundwater appropriations in Churchill Valley Groundwater Basin substantially exceed the perennial yield of the basin. The State Engineer

⁴ Nevada State Engineer's Office, Water for Nevada, Report No. 3, p. 13.

⁵ Official records in the Office of the State Engineer.

⁶ United States Geological Survey Open File Report No. 78-768, official records in the office of the State Engineer.

⁷ Hydrographic Basin Abstract 8-102, official records in the Office of the State Engineer.

further finds that the approval of Applications 55229 and 55230, which seek to appropriate 0.5 cfs each, would conflict with existing rights and be detrimental to the public interest.

II.

Since Applications 55229 and 55230 were filed, the State Engineer has issued Permits 60749 through 60753 which allow the Silver Springs Mutual Water Company to serve the proposed place of use of Applications 55229 and 55230.⁸ The State Engineer finds that the proposed place of use of Applications 55229 and 55230 can be served water by the Silver Springs Mutual Water Company.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the subject matter of this action.⁹

II.

The State Engineer is prohibited by law from granting a permit where:¹⁰

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

III.

The State Engineer may deny applications to appropriate groundwater in areas served by an entity engaged in furnishing water to the inhabitants thereof.¹¹

IV.

A new appropriation, as large as Applications 55229 or 55230, would conflict with the many water rights already existing in the

⁸ Permits 60749 through 60753, official records in the Office of the State Engineer.

⁹ NRS Chapters 533 and 534.

¹⁰ NRS 533.370(3).

¹¹ NRS 534.120(3)(b).

Churchill Valley Groundwater Basin. The State Engineer concludes that the approval of Applications 55229 and 55230 would threaten to prove detrimental to the public interest.

V.

The State Engineer concludes that the proposed place of use of Applications 55229 and 55230 can be served by the Silver Springs Mutual Water Company, the entity that is presently engaged in serving water to the inhabitants of Silver Springs.

RULING

Applications 55229 and 55230 are hereby denied on the grounds that the proposed place of use of said applications can be served by the Silver Springs Mutual Water Company and their approval would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/JLL/ab

Dated this 15th day of
December, 1995.