

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

IN THE MATTER OF APPLICATION 59747)
FILED TO APPROPRIATE THE WATERS OF)
AN UNDERGROUND SOURCE WITHIN THE)
CHURCHILL VALLEY GROUNDWATER BASIN,)
(102), LYON COUNTY, NEVADA.)

RULING

4385

GENERAL

I.

Application 59747 was filed on February 3, 1994, by Flying A. Limited Partnership to appropriate 0.32 cubic feet per second (c.f.s.) of underground water with an annual duty of 75.5 million gallons annually. The proposed manner and place of use is for industrial purposes within the NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ of Section 7, E $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 8, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, all within T.18N., R.25E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T.18N., R.25E.¹

II.

By Order No. 689, dated August 23, 1977, the State Engineer designated and described the Churchill Valley Groundwater Basin under the provisions of NRS 534.030, as a basin in need of additional administration.²

FINDINGS OF FACT

I.

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. The 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. If the

¹File No. 59747, official records in the Office of the State Engineer.

²State Engineer's Order No. 689, dated August 23, 1977, official records in the Office of the State Engineer.

perennial yield is continually exceeded, groundwater levels will decline until the groundwater reservoir is depleted. Withdrawals of groundwater 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 groundwater gradients which could result in significant changes in the recharge-discharge relationship.³

The United States Geological Survey estimates that the perennial yield of the Churchill Valley Groundwater Basin is 1,600.0 acre-feet annually.⁴

II.

The State Engineer finds that existing certificated and permitted groundwater rights in the Churchill Valley Groundwater Basin exceed 9,400.0 acre-feet annually.⁵

III.

The State Engineer finds that Application 59747 proposes to divert an additional 75.5 million gallons annually from the Churchill Valley Groundwater Basin.

CONCLUSIONS

I.

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

³State Engineer's Office, WATER FOR NEVADA, STATE OF NEVADA WATER PLANNING REPORT NO. 3, p. 13, October 1971.

⁴Nowlin, Jon, Ground-water Quality in Nevada - A Proposed Monitoring Program. Open File Report 78-768, U.S.G.S.

⁵Hydrographic Basin Abstract, Basin 10-102, official records in the Office of the State Engineer.

⁶NRS Chapters 533 and 534.

II.

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 interest.⁷

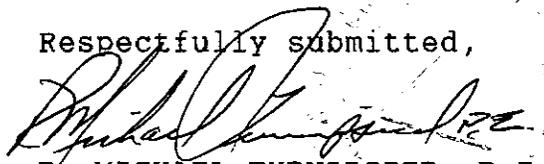
III.

The State Engineer concludes that existing groundwater rights exceed the estimates of perennial yield in the Churchill Valley Groundwater Basin and that to approve an additional appropriation under Application 59747 from the limited groundwater reservoir would adversely affect existing rights and be detrimental to the public interest.

RULING

Application 59747 is hereby denied on the grounds that granting of the application would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 31st day of
July, 1996.

⁷NRS 533.370(3).