

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

IN THE MATTER OF APPLICATION 63158)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE)
WITHIN THE CRESCENT VALLEY GROUND-)
WATER BASIN (054) EUREKA COUNTY,)
NEVADA.)

RULING

#4573

GENERAL

I.

Application 63158 was filed on June 3, 1997, by the Uhalde Family Trust to appropriate 3.0 cubic feet per second (cfs) of underground water for irrigation purposes on 322 acres of ground located within the W $\frac{1}{2}$ of Section 19, T.29N., R.48E., M.D.B.&M. The proposed point of diversion is described as being located within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, T.29N., R.47E., M.D.B.&M.¹

II.

Application 63158 was timely protested by the Pershing County Water Conservation District on the following grounds:

That the granting of said application will effect the water table and drainage and adversely effect the decreed waters of the Humboldt River.¹

III.

By Order No. 755 the State Engineer designated and described the Crescent Valley Groundwater Basin under the provisions of NRS § 534.030 as a basin in need of additional administration.² The proposed point of diversion is within the designated groundwater basin.

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

¹ File No. 63158, official records in the office of the State Engineer.

² State Engineer's Order No. 755, dated March 20, 1981, official records in the office of the State Engineer.

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 perennial yield is continually exceeded groundwater levels will decline until the groundwater 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 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 Crescent Valley Groundwater Basin is 17,000 acre-feet annually.⁴ The committed groundwater resource in the form of permits and certificates issued by the State Engineer's office for consumptive ground water withdrawal within the Crescent Valley Groundwater Basin exceeds 17,700 acre-feet annually.⁵ The State Engineer finds that the current committed groundwater resource of the Crescent Valley Valley Groundwater Basin exceeds the estimated perennial yield of the groundwater basin.

II.

The State Engineer finds that the approval of Application 63158 would conflict with the many existing water rights in the groundwater basin.

³ State Engineer's office, Water for Nevada, State of Nevada Water Planning Report No. 3, p.13, October 1971.

⁴ Nowlin, Jon, Ground-water Quality in Nevada - A Proposed Monitoring Program, Open File Report 78-768 U.S.G.S., p. 193.

⁵ Special Hydrologic Basin Abstract, Water Rights Database, July 8, 1997, official records in the office of the State Engineer.

III.

Under the provisions of NRS § 533.370(3) the State Engineer may deny an application to appropriate water prior to the statutory publication period if an application for a similar manner of use has previously been denied within the same groundwater basin. The records of the office of the State Engineer indicate that previous applications for irrigation purposes within the Crescent Valley Groundwater Basin have been denied on the grounds that to approve an additional appropriation of water rights within the groundwater basin would be detrimental to the public interest and would conflict with existing underground water rights.⁶ The State Engineer finds that Application 63158 may be denied prior to the statutory publication period with the associated publication fee remitted to the applicant.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁷

II.

The State Engineer is prohibited by law from granting a permit where:⁸

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

⁶ File Nos. 39188, 39721, 39722, 39723, 39738, 39186, 39187, 44209, 45793 and 47687, official records in the office of the State Engineer.

⁷ NRS Chapters 533 and 534.

⁸ NRS § 533.370.

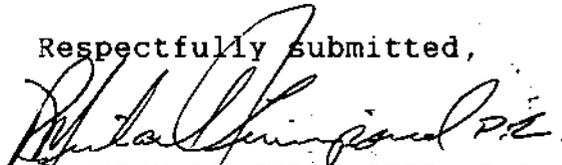
III.

The State Engineer concludes that to grant a permit under Application 63158 in a groundwater basin where the quantity of water under existing appropriations exceeds the perennial yield would conflict with existing rights and be detrimental to the public interest.

RULING

Application 63158 is hereby denied on the grounds that granting the application would interfere with existing rights and be detrimental to the public interest. No ruling is made on the merits of the protest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/ab

Dated this 13th day of
October, 1997.