

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

IN THE MATTER OF APPLICATION 63323 FILED)
TO APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE WITHIN THE CHURCHILL)
VALLEY GROUNDWATER BASIN (102) LYON)
COUNTY, NEVADA.)

RULING

#4603

GENERAL

I.

Application 63323 was filed on August 14, 1997, by Earl L. and Lavon E. Ripplettoe to appropriate 0.01 cubic feet per second (cfs) of underground water for quasi-municipal and domestic purposes within a portion of the NE¼ SE¼ of Section 27, T.18N., R.24E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ SE¼ of said Section 27.¹

II.

By Order No. 689, 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 State Engineer finds the point of diversion proposed under Application 63323 is within the designated groundwater basin.

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. 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

¹ File No. 63323, official records in the office of the State Engineer.

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

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 acre-feet annually.⁴ The committed groundwater resource in the form of permits and certificates issued by the State Engineer's office for groundwater withdrawal within the Churchill Valley Groundwater Basin exceeds 10,800 acre-feet annually.⁵ The State Engineer finds that the current committed groundwater resource of the Churchill Valley Groundwater Basin exceeds the estimated perennial yield of the groundwater basin.

III.

The State Engineer finds that the approval of Application 63323 would conflict with the many existing water rights in the groundwater basin.

CONCLUSIONS

I.

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

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. 195.

⁵ Special Hydrologic Basin Abstract, Water Rights Database, February 18, 1998, official records in the office of the State Engineer.

⁶ NRS Chapters 533 and 534.

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁷

- 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.

III.

The State Engineer concludes that to grant a permit under Application 63323 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 63323 is hereby denied on the grounds that granting the application would interfere with existing rights and be detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/cl

Dated this 6th day of
March, 1998.

⁷ NRS § 533.370.