

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

IN THE MATTER OF APPLICATIONS )  
75639, 75640, 75641, 75642, and )  
75643 FILED TO APPROPRIATE THE )  
PUBLIC WATERS OF AN UNDERGROUND )  
SOURCE WITHIN THE LONG VALLEY )  
HYDROGRAPHIC BASIN (9), WASHOE )  
COUNTY, NEVADA. )

RULING

**#5880**

GENERAL

I.

Application 75639 was filed on April 25, 2007, by Home Camp Land and Livestock, Inc., to appropriate 6.0 cubic feet per second (cfs), not to exceed 1,920 acre-feet annually (afa) of underground water for the irrigation of 480 acres and for domestic purposes. The proposed place of use is described as being located within portions of Section 16, T.42N., R.19E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NW¼ of said Section 16.<sup>1</sup>

II.

Application 75640 was filed on April 25, 2007, by Home Camp Land and Livestock, Inc., to appropriate 6.0 cfs, not to exceed 1,920 afa, of underground water for the irrigation of 480 acres and for domestic purposes. The proposed place of use is described as being located within portions of Section 16, T.42N., R.19E., M.D.B.&M. The

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<sup>1</sup> File No. 75639, official records in the Office of the State Engineer.

proposed point of diversion is described as being located within the SE¼ SE¼ of said Section 16.<sup>2</sup>

III.

Application 75641 was filed on April 25, 2007, by Home Camp Land and Livestock, Inc., to appropriate 3.0 cfs, not to exceed 480 afa, of underground water for the irrigation of 120 acres and for domestic purposes. The proposed place of use is described as being located within portions of the S½ of Section 17, the S½ of Section 18, the N½ of Section 19, and the N½ of Section 20 all in T.42N., R.19E., M.D.B.&M. The proposed point of diversion is described as being located within the SW¼ SW¼ of said Section 17.<sup>3</sup>

IV.

Application 75642 was filed on April 25, 2007, by Home Camp Land and Livestock, Inc., to appropriate 6.0 cfs, not to exceed 1,280 afa, of underground water for the irrigation of 320 acres and for domestic purposes. The proposed place of use is described as being located within portions of Section 33 and the N½, N½ S½, SW¼ SW¼ of Section 34, T.42N., R.19E., M.D.B.&M. The proposed point of diversion is described as being located within the NE¼ NE¼ of said Section 33.<sup>4</sup>

V.

Application 75643 was filed on April 25, 2007, by Home Camp Land and Livestock, Inc., to appropriate 6.0 cfs, not to exceed 1,280 afa, of underground water for the irrigation of 320 acres and for domestic purposes. The

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<sup>2</sup> File No. 75640, official records in the Office of the State Engineer.

<sup>3</sup> File No. 75641, official records in the Office of the State Engineer.

<sup>4</sup> File No. 75642, official records in the Office of the State Engineer.

proposed place of use is described as being located within portions of the E½ of Section 4 and the W½ of Section 3, T.41N., R.19E., M.D.B.&M. The proposed point of diversion is described as being located within Lot 1 (NE¼ NE¼) of said Section 4.<sup>5</sup>

**FINDINGS OF FACT**

I.

The State Engineer finds that Applications 75639, 75640, 75641, 75642, and 75643 propose to divert underground water located within the hydrologic boundaries of the Long Valley Hydrographic Basin.

II.

The Nevada Revised Statutes (NRS) chapters 533 and 534 and the policies developed by the Office of the State Engineer provide the basis for the appropriation of water within the state of Nevada. Under the provisions found under NRS § 533.370(5), before an application that requests a new appropriation of underground water can be considered for approval it must be determined, among other things, that there is unappropriated water available at the targeted source. The answer to the question of what amount of ground water is available for additional appropriation from the Long Valley Hydrographic Basin can be found in an analysis of the basin's ground-water recharge and discharge relationship. Central to this analysis is the concept of the perennial yield of the Long Valley Area Hydrographic Basin.

Perennial yield of a ground-water reservoir may be defined as the maximum amount of ground water that can be

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<sup>5</sup> File No. 75643, official records in the Office of the State Engineer.

salvaged each year over the long term without depleting the ground-water reservoir. Perennial yield is ultimately limited to the maximum amount of natural discharge that can be salvaged for beneficial use. If the perennial yield is continually exceeded ground-water levels will decline.

Withdrawals of ground water in excess of the perennial yield may contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased cost due to increased pumping lifts, and land subsidence.<sup>6</sup>

The perennial yield of the Long Valley Area Hydrographic Basin can be derived from the estimates of the basin's annual ground-water recharge and discharge. The United States Geological Survey (USGS) estimates that the perennial yield of the Long Valley Area Hydrographic Basin is approximately 12,000 acre-feet annually (afa).<sup>7</sup>

The committed ground-water resource in the form of permits and certificates issued by the Office of the State Engineer within the Long Valley Hydrographic Basin is currently 9,887 afa. Applications 75639, 75640, 75641, 75542 and 75643 request new appropriations of ground water totaling 4,960 afa. The State Engineer finds the applications request more water than is currently available for appropriation.

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<sup>6</sup> State Engineer's office, *Water for Nevada, State of Nevada Water Planning Report No. 3*, p. 13, Oct. 1971.

<sup>7</sup> William C. Sinclair, *Ground-Water Resources - Reconnaissance Series Report 15, Ground Water Appraisal of the Long Valley Massacre Lake Region, Washoe County, Nevada*. Department of Conversation and Natural Resources in Cooperation with the U. S. Geological Survey, p. 37, (1963).

II.

Based on an analysis of the Applicant's proposed places of use, the State Engineer finds that Applications 75642 and 75643 have the most suitable land for cultivation and irrigation. The proposed places of use for Applications 75639, 75640, and 75641 are not suitable for cultivation and irrigation due to their steep topography and questionable soil type.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>8</sup>

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:<sup>9</sup>

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that approval of all five subject applications would result in the permanent withdrawal of ground water in excess of the perennial yield of the Long Valley Hydrographic Basin and therefore, would adversely affect existing rights and would threaten to prove detrimental to the public interest.

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<sup>8</sup> NRS chapters 533 and 534.

<sup>9</sup> NRS § 533.370(5).

IV.

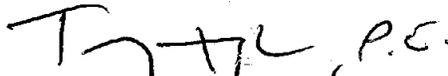
The State Engineer concludes the places of use of Applications 75639, 75640 and 75641 are not suitable for cultivation and irrigation; therefore, the applications are subject to denial. The State Engineer concludes remaining Applications 75642 and 75643 must be limited to the estimated perennial yield of the basin.

RULING

Application 75642 is hereby approved for 1,280 acre-feet annually of water. Application 75643 is hereby approved for 800 acre-feet annually of water.

Applications 75639, 75640, and 75641 are hereby denied on the grounds that the land is unsuitable for cultivation and their approval would exceed the established perennial yield; therefore, the applications would conflict with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,

  
TRACY TAYLOR, P.E.  
State Engineer

TT/TW/jm

Dated this 8th day of  
August 2008.