

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

IN THE MATTER OF APPLICATIONS )  
76777 AND 76778 FILED TO )  
APPROPRIATE THE UNDERGROUND )  
WATERS OF THE GRANITE SPRINGS )  
VALLEY HYDROGRAPHIC BASIN )  
(78), PERSHING COUNTY, NEVADA. )

**RULING**  
**# 5884**

**GENERAL**

**I.**

Application 76777 was filed on March 3, 2008, by Kumiva Group, LLC, now held by C Punch Ranch, Inc., to change the point of diversion and place of use of 5.4 cubic feet per second (cfs), not to exceed 1,280 acre-feet annually, of water previously appropriated under Permit 67004. The existing manner of use and the proposed manner of use are both for irrigation purposes. The proposed point of diversion is described as being located within the NW¼ NE¼ of Section 11, T.26N., R.27E., M.D.B.&M. The proposed place of use is described as being located within Section 11, T.26N., R.27E., M.D.B.&M.<sup>1</sup>

**II.**

Application 76778 was filed on March 3, 2008, by Kumiva Group, LLC, now held by C Punch Ranch, Inc., to change the point of diversion and place of use of 5.4 cfs, not to exceed 1,280 acre-feet annually, of water previously appropriated under Permit 66700. The existing manner of use and the proposed manner of use are both for irrigation purposes. The proposed point of diversion is described as being located within the SE¼ SW¼ of Section 11, T.26N., R.27E., M.D.B.&M. The proposed place of use is described as being located within Section 11, T.26N., R.27E., M.D.B.&M.<sup>2</sup>

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<sup>1</sup> File No. 76777, official records in the Office of the State Engineer.

<sup>2</sup> File No. 76778, official records in the Office of the State Engineer.

### III.

Applications 76777 and 76778 were timely protested by Aqua Trac, LLC, on the grounds that:

The soils in Granite Springs Valley – Basin No. 78, are highly permeable. Evidence suggests that intermittent surface precipitation can reach the aquifer within a few decades due to natural infiltration. Continuous irrigation will drive the natural infiltration system much faster. Chemical fertilizers will be transported into the aquifer, thereby contaminating the potable water contained there.

Existing research has documented this phenomenon elsewhere in Nevada as well, with resultant contamination of the aquifer with nitrogen. Therefore, we request that the State Engineer deny these Applications because the use of the water for irrigation will damage a vital and pristine resource.<sup>1,2</sup>

### FINDINGS OF FACT

#### I.

The State Engineer finds the permitted rights that the applicant seeks to change are currently permitted for irrigation use and have priority dates from the year 2000. The State Engineer finds the proposed use is the same as that currently permitted and the water could be used for irrigation purposes now. The State Engineer finds in State Engineer's Ruling No. 5782 dated September 17, 2007, Aqua Trac, LLC's, Applications 72868-72896, 73351-73357, 73743-73749, 73919-73929, 74354-74357, and 74957-74976, which had been filed for quasi-municipal purposes to export water from the ground-water basin to places of use in a broad area of northwestern Nevada, were denied. On September 19, 2007, Aqua Trac, LLC, filed new applications to again attempt to appropriate water from the Granite Springs Hydrographic Basin for export to a broad area of northwestern Nevada. The State Engineer finds Nevada water law is based on the prior appropriation system and irrigation is a beneficial use in Nevada and the use of the water by the senior appropriator does not threaten to prove detrimental to the public interest.

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>3</sup>

**II.**

The State Engineer is prohibited by law from granting a permit to appropriate the public waters where:<sup>4</sup>

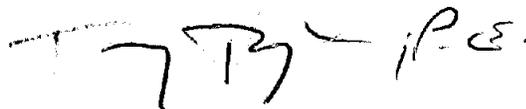
- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to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

**RULING**

The protests are hereby overruled and Applications 76777 and 76778 are granted subject to:

- 1. Existing rights; and
- 2. The payment of statutory permit fees;

Respectfully submitted,



TRACY TAYLOR, P.E.  
State Engineer

TT/SJT/jm

Dated this 3rd day of

September, 2008.

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<sup>3</sup> NRS chapters 533 and 534.

<sup>4</sup> NRS § 533.370(5).