

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

IN THE MATTER OF APPLICATIONS 74650)
AND 74651 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE STEPTOE VALLEY)
HYDROGRAPHIC BASIN (179), WHITE PINE)
COUNTY, NEVADA.)

RULING

#5928

GENERAL

I.

Application 74650 was filed on August 18, 2006, by Means Land & Cattle Co. to appropriate 3.0 cubic feet per second (cfs) of water from an underground source. The proposed manner of use is for irrigation purposes. The proposed place of use is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T.21N., R.64E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T.21N., R.64E., M.D.B.&M.¹

II.

Application 74651 was filed on August 18, 2006, by Means Land & Cattle Co. to appropriate 3.0 cfs of water from an underground source. The proposed manner of use is for irrigation purposes. The proposed place of use is described as being located within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T.21N., R.64E., M.D.B.&M. The proposed point of diversion is described as being located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T.21N., R.64E., M.D.B.&M.²

FINDINGS OF FACT

I.

Applications 74650 and 74651 request new appropriations of water within the Steptoe Valley Hydrographic Basin. The applications illustrate two discreet points of diversion; however, the applications describe an identical place of use. Each application states that the number of acres to be irrigated are 165 acres. From a review of the applications and map, it is

¹ File No. 74650, official records in the Office of the State Engineer.

² File No. 74651, official records in the Office of the State Engineer.

clear that the intent of Applications 74650 and 74651 is to comingle water from two wells for the irrigation of 165 acres of land. Applications 74650 and 74651 do not specify a duty of water, but a duty can be calculated by expanding the requested acreage to be irrigated by using a maximum duty of 4 acre-feet per acre. The duty of water required for 165 acres of land at a rate of 4 acre-feet per acre equates to a requested appropriation of 660 acre-feet annually.

The perennial yield of a ground-water reservoir may be defined as the maximum amount of ground water that can be 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 contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increase in cost due to increased pumping lifts, land subsidence and possible reversal of ground-water 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 Steptoe Valley Hydrographic Basin is approximately 70,000 acre-feet.⁴ The committed ground-water resource in the form of permits and certificates issued by the State Engineer to appropriate underground water from the Steptoe Valley Hydrographic Basin currently exceeds 96,000 acre-feet annually.⁵ The State Engineer finds that existing ground-water rights in the Steptoe Valley Hydrographic Basin currently exceeds the estimated perennial yield.

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, Oct. 1971.

⁴ Thomas E. Eakin, Jerry L. Hughes, Donald O. Moore, Water-Resources Appraisal of the Steptoe Valley, White Pine and Elko Counties, Nevada, Water Resources-Reconnaissance Series Report 42, State of Nevada, Department of Conservation and Natural Resources and United States Geological Survey, U.S. Department of Interior, p. 24, 1967.

⁵ Special Hydrologic Basin Abstract, Water Rights Database, Basin 179, January 7, 2009, official records within 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 that requests to appropriate public waters where:⁷

- 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.

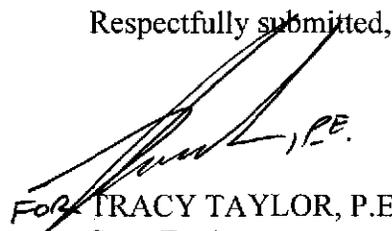
III.

The State Engineer concludes the committed ground-water resources of the Steptoe Valley Hydrographic Basin currently exceed the estimated perennial yield. The State Engineer concludes that the approval of the subject applications would result in the withdrawal of ground water in excess of the perennial yield, and therefore, would adversely affect existing rights and would threaten to prove detrimental to the public interest.

RULING

Applications 74650 and 74651 are hereby denied on the grounds that their approval would conflict with existing rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,


FOR TRACY TAYLOR, P.E.
State Engineer

TT/KMH/jm

Dated this 4th day of
February, 2009.

⁷ NRS § 533.370(5).