

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

IN THE MATTER OF APPLICATION)
60354 FILED TO APPROPRIATE THE)
UNDERGROUND WATERS OF GRASS)
VALLEY HYDROGRAPHIC BASIN (71),)
HUMBOLDT COUNTY, NEVADA.)

RULING
5970

GENERAL

I.

Application 60354 was filed on August 16, 1994, by Keith E. and Judy P. Frazier to appropriate 0.25 cubic foot per second of the underground water of the Grass Valley Hydrographic Basin for commercial and domestic purposes within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, of Section 6, T.35N., R.38E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 6.¹

II.

In the remarks section of the application the applicant originally requested an annual duty of 5 million gallons (15.34 acre-feet). By letter dated August 9, 2000, the Applicant reduced the requested duty to 3,102,500 gallons (9.52 acre-feet) annually.¹

FINDINGS OF FACT

I.

State Engineer's Order No. 464 dated July 24, 1972, described and designated the Grass Valley Hydrographic Basin as a ground-water basin in need of additional administration under the provisions of NRS § 534.030.² The State Engineer finds that Application 60354 has a proposed point of diversion and place of use located within the hydrologic boundaries of the designated Grass Valley Hydrographic Basin.

¹ File No. 60354, official records in the Office of the State Engineer.

² State Engineer's Order No. 464, dated July 24, 1972, official records in the Office of the State Engineer.

II.

State Engineer's Order No. 1171 dated August 7, 2003, further restricted appropriations, denying new appropriations except those applications for commercial, industrial, stockwater and wildlife that seek to appropriate 1,800 gallons per day or less.³

III.

The State Engineer finds that Application 60354 seeks to appropriate 3,102,500 gallons annually or 8,500 gallons per day.

IV.

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.⁴

V.

The United States Geological Survey estimates that the perennial yield of the Grass Valley Hydrographic Basin is approximately 13,000 acre-feet.⁵ A review of records in the Office of the State Engineer shows the estimated committed ground-water resource in the form of permits and certificates issued by the State Engineer to appropriate underground water from

³ State Engineer's Order No. 1171, dated August 7, 2003, official records in the Office of the State Engineer.

⁴ State Engineer's Office, *Water for Nevada, State of Nevada Water Planning Report No. 3*, p. 13, Oct. 1971.

⁵ D.E. Everett and F. Eugene Rush, *A Brief Appraisal of the Water Resources of Grass and Carico Lake Valleys, Lander and Eureka Counties, Nevada*, Water Resources-Reconnaissance Series Report 37, (Department of Conservation and Natural Resources and United States Geological Survey), March 1966.

the Grass Valley Hydrographic Basin is over 46,000 acre-feet annually.⁶ The State Engineer finds that permits and certificates have been issued under existing rights for more than the estimated perennial yield from the ground-water system within the Grass Valley Hydrographic Basin.

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 to appropriate the public waters where:⁸

- 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 committed ground-water resources of the Grass Valley Hydrographic Basin currently exceed the ground-water basin's estimated perennial yield. The State Engineer concludes that the approval of the subject application would result in an additional withdrawal of ground water and therefore would adversely affect existing rights and threaten to prove detrimental to the public interest and would conflict with State Engineer's Order No. 1171.

⁶ Special Hydrologic Basin Abstract, Water Rights Database, Basin 71, December 30, 2008, official records in the Office of the State Engineer.

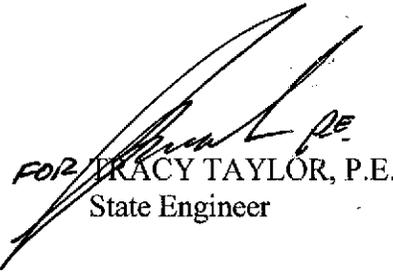
⁷ NRS chapters 533 and 534.

⁸ NRS § 533.370(5).

RULING

Application 60354 is hereby denied on the grounds that its approval would conflict with existing rights and State Engineer's Order No. 1171 and threaten to prove detrimental to the public interest.

Respectfully submitted,



FOR TRACY TAYLOR, P.E.
State Engineer

TT/TH/jm

Dated this 17th day of

April, 2009.