

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

IN THE MATTER OF APPLICATION)
76551 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE OASIS VALLEY)
HYDROGRAPHIC BASIN (228), NYE)
COUNTY, NEVADA.)

RULING
5976

GENERAL

I.

Application 76551 was filed on December 24, 2007, by George and LaRene Younghans to appropriate 0.40 cubic feet per second of underground water of the Oasis Valley Hydrographic Basin, Nye County, Nevada. The proposed manner and place of use is for the irrigation of 40.0 acres of land in addition to a secondary domestic use. The proposed place of use is described as being located within the W $\frac{1}{2}$ E $\frac{1}{2}$ of Section 33, T.10S., R.47E., M.D.B.& M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of said Section 33.¹

FINDINGS OF FACT

I.

By State Engineer's Order No. 741, issued on April 2, 1980, a portion of the Oasis Valley Hydrographic Basin was described and designated by the State Engineer as a ground-water basin in need of additional administration.² The State Engineer finds that the proposed point of diversion and place of use described under Application 76551 are located within the designated portion of the Oasis Valley Hydrographic Basin.

¹ File No. 76551, official records in the Office of the State Engineer.

² State Engineer's Order No. 741, official records in the Office of the State Engineer.

II.

The State Engineer has denied applications that requested permanent appropriations of underground water for irrigation purposes within the Oasis Valley Hydrographic Basin since 1978. Most of these denials were based on the grounds that withdrawals of additional ground water from the basin would interfere with and impair existing water rights and would prove to be detrimental to the public interest.³ The State Engineer finds that Application 76551 requests an additional appropriation of underground water from within the Oasis Valley Hydrographic Basin for a manner of use that has previously been denied by the State Engineer.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁴

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁵

- 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.

Application 76551 was filed to appropriate underground water from the Oasis Valley Hydrographic Basin. The State Engineer has denied previous applications that requested new appropriations of underground water for irrigation purposes from this ground-water

³ State Engineer's Ruling Nos. 2346, 4669 and 5954, official records in the Office of the State Engineer.

⁴ NRS chapters 533 and 534.

basin on the grounds that their approval would impair existing rights and would threaten to prove detrimental to the public interest. The State Engineer concludes the approval of Application 76551 would have a similar negative effect; therefore, it must also be denied.

RULING

Application 76551 is hereby denied on the grounds that its approval would conflict with existing water rights and would threaten to prove detrimental to the public interest.

Respectfully submitted,


FOR Tracy Taylor, P.E.
State Engineer

TT/MB/jm

Dated this 20th day of
April, 2009.