

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 47747,
47748, 47763 AND 47777 FILED TO
APPROPRIATE THE PUBLIC WATERS OF AN
UNDERGROUND SOURCE IN THE GOSHUTE)
VALLEY DESIGNATED GROUND WATER)
BASIN, ELKO COUNTY, NEVADA.)

RULING

GENERAL

Application 47747 was filed on March 8, 1984, by Robert M. Overby to appropriate water (3.5 acre-feet per acre) from an underground source for irrigation purposes on 305 acres of land within the W1/2 Section 34, T.36N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 34, T.36N., R.67E., M.D.B.&M.¹

Application 47748 was filed on March 8, 1984, by D. Lynn Bigelow to appropriate water (3.0 acre-feet per acre) from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 9, T.36N., R.67E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 9, T.36N., R.67E., M.D.B.&M.¹

Application 47763 was filed on March 9, 1984, by Ted C. Woodward to appropriate water (4.0 acre-feet per acre) from an underground source for irrigation purposes on 310 acres of land within the E1/2 Section 34, T.37N., R.66E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 34, T.37N., R.66E., M.D.B.&M.¹

Application 47777 was filed on March 12, 1984, by Ruth A. Spencer to appropriate water (3.25 acre-feet per acre) from an underground source for irrigation purposes on 310 acres of land within the S1/2 Section 36, T.36N., R.67E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 36, T.36N., R.67E., M.D.B.&M.¹

II.

Water Resources Bulletin No. 12, titled "Contributions to the Hydrology of Eastern Nevada", was prepared cooperatively by the U.S. Geological Survey and the Division of Water Resources.

III.

By Order No. 842, dated April 30, 1984, the State Engineer designated and described the Goshute Valley Ground Water Basin (187) and declared municipal, quasi-municipal and domestic use as preferred uses within the northern area of the basin.²

¹ Public record in the office of the State Engineer.

² Public record in the office of the State Engineer. See Order 842.

FINDINGS OF FACT

I.

The chief source of the ground water in Goshute-Antelope Valley is precipitation within the valley and on the adjacent flanks of the mountains. A small amount of water may enter the valley occasionally from Steptoe Valley. The ground water is recharged largely by surface flow from the mountain canyons that percolate into the valley fill in the alluvial fan areas at the edges of the mountains. There is no surface discharge from the Goshute-Antelope Valley.³

II.

The perennial yield of Goshute Valley is estimated to be 7,700 acre-feet per year.⁴

Permits and certificates have been issued under existing rights for more than 10,900 acre-feet annually of ground water within the Goshute Valley hydrologic basin.

III.

Information available to the State Engineer indicates that Applications 47747, 47748, 47763 and 47777 were filed in support of Desert Land Entry applications.¹

IV.

The approval of the above-referenced applications would result in the additional withdrawal of 4,980 acre-feet of ground water annually for irrigation purposes compared to a perennial yield of 7,700 acre-feet annually.¹

V.

If the perennial yield of a hydrologic system is continually exceeded, ground water levels will decline until the ground water reservoir is depleted of water of usable quality or until the pumping lifts become uneconomical to maintain. Perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural discharge that can be salvaged for beneficial use.⁵

VI.

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, increased economic pumping lifts, land subsidence and possible reversal of ground water gradients which could result in significant changes in the recharge-discharge relationship. These conditions have developed in several other ground water basins within the State of Nevada where storage depletion and declining water tables have been recorded and documented.⁵

³ Water Resources Bulletin No. 12.

⁴ Water Resources Bulletin No. 12, adjusted to delete Northern Antelope Valley.

⁵ See attached Appendix of References.

VII.

Should additional water be allowed for appropriation under new applications and subsequent development of ground water pursuant thereto detrimentally effect prior existing rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights.⁶

VIII.

Applications 47747, 47748, 47763 and 47777 propose points of diversion and places of use within the area in which preferred uses of municipal, quasi-municipal and domestic were designated by the State Engineer by virtue of order No. 842.⁷

IX.

Twenty-nine (29) applications filed for irrigation purposes with earlier priority dates than Applications 47747, 47748, 47763 and 47777 have been previously denied by the State Engineer.⁸

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁹

II.

The State Engineer is authorized to deny an application prior to publication when a previous application for a similar use of water within the same basin has been rejected.¹⁰

⁶ NRS 534.110(6).

⁷ NRS 534.120(2) authorizes and directs the State Engineer to designate preferred uses of water within basins in need of additional administration, pursuant to NRS 534.030.

⁸ See State Engineer's Ruling No. 3330 dated March 18, 1986, public record in the office of the State Engineer.

⁹ NRS Chapters 533 and 534.

¹⁰ NRS 533.370(3).

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:¹⁰

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest.

IV.

The granting of permits under Applications 47747, 47748, 47763 and 47777 would result in the withdrawal of substantial amounts of ground water for irrigation purposes in excess of the perennial yield of the Goshute Valley Designated Ground Water Basin and would, therefore, adversely affect existing rights and be detrimental to the public interest and welfare.

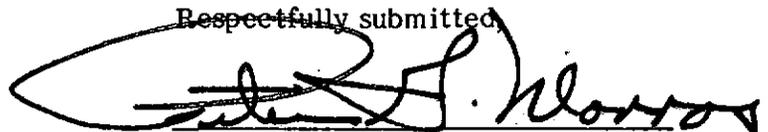
V.

In addition, the granting of permits under Applications 47747, 47748, 47763 and 47777 for irrigation purposes in an area where the preferred uses of municipal, quasi-municipal and domestic were designated by the State Engineer for the express purpose of protecting the limited supply of ground water for said preferred uses, would adversely affect existing rights and be detrimental to the public interest and welfare.

RULING

Applications 47747, 47748, 47763 and 47777 are herewith denied on the grounds that the granting thereof would adversely affect existing rights and would be detrimental to the public interest and welfare.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/SHF/bl

Dated this 7th day of

April, 1986.

APPENDIX OF REFERENCES

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Appendix of References
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