

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

ORDER

#1295

**CURTAILING NEW APPROPRIATIONS OF GROUNDWATER
WITHIN THE ELKO SEGMENT HYDROGRAPHIC BASIN (049) AND MARYS
CREEK AREA HYDROGRAPHIC BASIN (052)**

WHEREAS, Nevada Revised Statute (NRS) § 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the groundwater basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

WHEREAS, the State Engineer designated the Elko Segment Hydrographic Basin, located within Elko and Eureka counties, Nevada, as provided under the provisions of NRS § 534.030, by Order No. 778 dated December 8, 1981, and Order No. 864 dated July 10, 1985.

WHEREAS, the State Engineer designated the Marys Creek Area Hydrographic Basin, located within Elko and Eureka counties, Nevada, as provided under the provisions of NRS § 534.030, by Order No. 868 dated July 18, 1985.

WHEREAS, the Nevada Division of Water Resources estimates that 13,000 acre-feet of water annually is available as the perennial yield from the Elko Segment combined with Marys Creek Area Hydrographic Basins.¹

WHEREAS, the committed groundwater appropriations of record in the Office of the State Engineer total 21,699.36 acre-feet annually, which exceeds the perennial yield of the basins.²

WHEREAS, the State Engineer finds that conditions warrant the curtailment of new appropriations of groundwater within the Elko Segment and Marys Creek Area Hydrographic Basins.

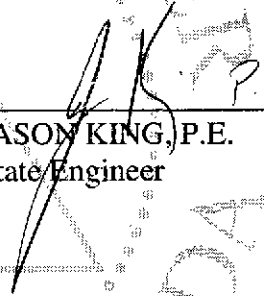
¹ T.E. Eakin, R.D. Lamke, *Hydrologic Reconnaissance of the Humboldt River Basin, Nevada*, Water Resources Bulletin No. 32, (Department of Conservation and Natural Resources), p. 56, 1966.

² Nevada Division of Water Resources' Water Rights Database, Hydrographic Basin Summary, Elko Segment Hydrographic Basin (49), combined with Marys Creek Area Basin (052), accessed January 22, 2018, official records in the Office of the State Engineer, available at <http://water.nv.gov/undergroundactive.aspx>.

NOW THEREFORE, IT IS HEREBY ORDERED that, with the following exceptions, any application to appropriate groundwater pursuant to NRS Chapters 533 and 534 within the designated Elko Segment Hydrographic Basin and Marys Creek Area Hydrographic Basin will be denied. Applications filed under the exceptions below must also satisfy the criteria found in NRS Chapters 533 and 534.

EXCEPTIONS:

1. Those applications filed for environmental permits pursuant to NRS §§ 533.437 to 533.4377, inclusive.
2. Those applications filed for temporary appropriations of groundwater for establishing fire-resistant vegetative cover pursuant to NRS § 533.436.
3. Those applications filed for temporary stockwater use pursuant to NRS § 533.504 that seek appropriations of two or less acre-feet of water annually.
4. Those applications filed for diversion rate only with no corresponding increase in duty of water.
5. Those applications filed for non-consumptive uses.



JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

16th day of February, 2018.