

IN THE MATTER OF APPLICATIONS 33518)
AND 35367 TO APPROPRIATE WATER FROM)
AN UNDERGROUND SOURCE IN THE ELY AREA)
OF STEPTOE VALLEY, WHITE PINE COUNTY,)
NEVADA.)

R U L I N G

INTRODUCTION

In June, 1967, Water Resources-Reconnaissance Series Report 42, "Water-Resources Appraisal of Steptoe Valley, White Pine and Elko Counties, Nevada," was published under joint cooperation by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and the U. S. Department of the Interior, Geological Survey. This report is available for viewing in the Office of the State Engineer.

FINDINGS OF FACT

I

Application 33518 was filed September 9, 1977, by Thomas G. and Danelle Windous to appropriate 0.5 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 6, T. 17 N., R. 63 E., M.D.B.&M., and the place of use is five acres within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, T. 17 N., R. 63 E., M.D.B.&M. 1/

Application 35367 was filed May 1, 1978, by Eugene E. or Mitze M. Gabriel to appropriate 0.5 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T. 17 N., R. 63 E., M.D.B.&M., and the place of use is five acres within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 16, T. 17 N., R. 63 E., M.D.B.&M. 2/

II

By an Order of the State Engineer dated September 21, 1979, the Steptoe Valley Ground Water Basin was designated by description as a ground water basin coming under the provisions of NRS 534.

By an Order of the State Engineer dated August 21, 1980, the State Engineer declared the irrigation of additional land to be a non-preferred use of the limited ground water resource within the following described area within the Steptoe Valley Designated Ground Water Basin Drainage:

All of T. 16 N., R. 63 E.,
All of T. 17 N., R. 63 E.,
W $\frac{1}{2}$ of T. 17 N., R. 64 E.,
S $\frac{1}{2}$ of T. 18 N., R. 63 E.,
Sections 19, 20, 21, 28, 29, 30, 31, 32 and 33,
T. 18 N., R. 64 E., M.D.B.&M.

The purpose of the Order was to safeguard the municipal, quasi-municipal and domestic ground water supplies of Ely and Steptoe Valley. The points of diversion under the applications considered in this Ruling lie within this area of curtailment. 3/

III

To date 105 permits and certificates have been issued to appropriate over 17,000 acre-feet of ground water annually from the area of curtailment for municipal, quasi-municipal, commercial, mining, industrial, recreation, and for irrigation and domestic purposes. 4/ Additional wells exist in the area for domestic purposes which do not require permits.

IV

The area between Ely and McGill has been identified as an area in which water withdrawn under a continuous pumping pattern of concentration would result in increased drawdown due to the low transmissibility of the ground water reservoir. Under the continuous pumping scenario the ground water withdrawn would be from storage rather than percolating ground water due to basin recharge, resulting in storage depletion and adverse effects on ground water levels. 5/

V

The applications considered in this Ruling are to irrigate additional lands. Granting the permits would result in additional water being diverted annually in an area of concentrated development and within the municipal well field of the City of Ely. 6/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 7/

II

The State Engineer is prohibited by law from granting a permit where:

- 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 be detrimental to the public interest. 8/

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III

The State Engineer is authorized and directed to designate preferred uses of water within designated ground water basins such as the Steptoe Valley Ground Water Basin. 9/ The consumptive use of additional ground water to irrigate additional land is not a preferred use of the limited ground water resources within the area of curtailment within the Steptoe Valley Ground Water Basin. 10/

RULING

Applications 33158 and 35367 are herewith denied on the grounds that the proposed appropriation of additional ground water for irrigation would conflict and tend to impair the value of existing rights and threaten to prove detrimental to the public interest and welfare and is not a preferred use within the area of curtailment in the Steptoe Valley Ground Water Basin.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/GMT/br

Dated this 10th day of

AUGUST, 1983.

FOOTNOTES

1. Public records in the Office of the State Engineer.
2. Public records in the Office of the State Engineer.
3. Public records in the Office of the State Engineer, Orders 731 and 754.
4. Public records in the Office of the State Engineer based upon the July 28, 1983 abstract.
5. Public records in the Office of the State Engineer, Reconnaissance Series Report 42, "Water Resources Appraisal of Steptoe Valley, White Pine and Elko Counties, Nevada".
6. Public records in the Office of the State Engineer based upon the July 28, 1983 basin abstract.
7. NRS 533.025 and 533.030, Subsection 1.
8. NRS 533.370, Subsections 1 and 4.
9. NRS 534.120, Subsection 2.
10. Public records in the Office of the State Engineer, Order 754.