

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATION 38261)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
CLOVERS AREA, ELKO, HUMBOLDT AND)
LANDER COUNTIES, NEVADA.)

RULING

GENERAL

Application 38261 was filed on May 31, 1979, by William R. and Phyllis B. Allen to appropriate 1.448 c.f.s. of water from an underground source for experimental agricultural purposes on 94.89 acres of land within Section 10, T.32N., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 10, T.32N., R.44E., M.D.B.&M.¹

Water Resources Bulletin No. 21, titled "Hydrogeology of the Lower Humboldt River Basin, Nevada", by John D. Bredehoeft, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the University of Nevada, Desert Research Institute, June 1963.¹

Water Resources Bulletin No. 32, titled "Hydrologic Reconnaissance of the Humboldt River Basin, Nevada", by Thomas E. Eakin and Robert D. Lamke, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U.S. Department of the Interior, Geological Survey, 1966.¹

Application 38261 was protested by the Lander County Commissioners on the following grounds:¹

"The proposed well will interfere (sic) with existing wells serving the Town of Battle Mountain, Nevada resulting in increased pumping cost and reduction in pumping capacity as a result of the water table being lowered."

FINDINGS OF FACT

I.

The State Engineer found that conditions warranted the designation of the Clover's Area Ground Water Basin and issued an order describing and designated that basin on December 30, 1977.² Prior applications to appropriate underground water for irrigation purposes have been denied within the area set forth in the designation order.³

¹ Public record in the office of the State Engineer.

² State Engineer's Order No. 700 dated December 30, 1977, public record in the office of the State Engineer.

³ State Engineer's Ruling No. 2288 dated December 7, 1977, public record in the office of the State Engineer.

II.

On March 20, 1984, the State Engineer issued an Order describing the preferred use area for municipal, quasi-municipal and domestic purposes around Battle Mountain, Nevada.⁴

III.

The proposed point of diversion under Application 38261 is within one-half mile of existing underground water rights.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.⁵

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁶

- 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.

RULING

The protest to the granting of Application 38261 is herewith upheld and Application 38261 is herewith denied on the grounds that it is not a preferred use and that its granting would threaten to interfere with prior existing rights and would not be in the public interest and welfare.

Respectfully submitted,



PETER G. MORROS
State Engineer

PGM/KN/bl

Dated this 4th day of
June, 1986.

⁴ State Engineer's Order No. 839 dated March 20, 1984, public record in the office of the State Engineer.

⁵ NRS 533.025, NRS 533.030 and NRS 533.370.

⁶ NRS 533.370(3).