

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

IN THE MATTER OF APPLICATIONS 47622,)
47623, 47624, 47625, 47626, 47627,)
47628, 47629 AND 47631 FILED TO)
APPROPRIATE THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE IN RAILROAD)
VALLEY (NORTHERN PART), NYE COUNTY,)
NEVADA.)

RULING

#3788

GENERAL

I.

Application 47622 was filed on January 30, 1984, by Central Nevada Water Co. to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres within E1/2 Section 26, T.5N., R.54E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 26, T.5N., R.54E., M.D.B.&M.¹

II.

Application 47623 was filed on January 30, 1984, by Central Nevada Water Co. to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres within E1/2 Section 27, T.5N., R.54E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 27, T.5N., R.54E., M.D.B.&M.¹

III.

Application 47624 was filed on January 30, 1984, by Central Nevada Water Co. to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres within N1/2 Section 34, T.5N., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 34, T.5N., R.54E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer.

IV.

Application 47625 was filed on January 30, 1984, by Central Nevada Water Co. to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres within W1/2 Section 22, T.5N., R.54E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 22, T.5N., R.54E., M.D.B.&M.¹

V.

Application 47626 was filed on January 30, 1984, by Central Nevada Water Co. to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres within W1/2 Section 15, T.5N., R.54E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 15, T.5N., R.54E., M.D.B.&M.¹

VI.

Application 47627 was filed on January 30, 1984, by Central Nevada Water Co. to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres within W1/2 Section 10, T.5N., R.54E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 10, T.5N., R.54E., M.D.B.&M.¹

VII.

Application 47628 was filed on January 30, 1984, by Central Nevada Water Co. to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres within E1/2 Section 5, T.4N., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 5, T.4N., R.54E., M.D.B.&M.¹

VIII.

Application 47629 was filed on January 30, 1984, by Central Nevada Water Co. to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320

acres within E1/2 Section 6, T.4N., R.54E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 6, T.4N., R.54E., M.D.B.&M.¹

IX.

Application 47631 was filed on January 30, 1984, by Central Nevada Water Co. to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres within W1/2 Section 8, T.4N., R.54E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 8, T.4N., R.54E., M.D.B.&M.¹

X.

Water Resources-Reconnaissance Series Report 60, titled "Water-Resources Appraisal of Railroad and Penoyer Valleys, East-Central Nevada", was prepared cooperatively by the Geological Survey, U.S. Department of the Interior, and State of Nevada, Department of Conservation and Natural Resources. For the purposes of this report, Railroad Valley was divided into northern and southern parts.²

FINDINGS OF FACT

I.

The perennial yield of a hydrologic system is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. If the perennial yield 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.²

² Water Resources-Reconnaissance Series Report 60.

II.

For long-term natural or near-natural conditions, ground water inflow to and outflow from an area are about equal, assuming that climate conditions remain reasonably constant. For Railroad Valley, Northern Part, the estimate of ground water inflow and outflow which is considered to be the perennial yield of the hydrologic ground water basin is 75,000 acre-feet annually.²

III.

In a letter dated January 23, 1991, jointly sent to the Department of Conservation and Natural Resources, Division of State Lands, and to the U.S. Department of the Interior, Bureau of Land Management, the State Engineer's Office requested written notification of any filings of Carey Act applications or Desert Land Entries by anyone in W1/2 Section 10, W1/2 Section 15, W1/2 Section 22, E1/2 Section 26, E1/2 Section 27, N1/2 Section 34, T.5N., R.54E., and E1/2 Section 5, E1/2 Section 6, W1/2 Section 8, T.4N., R.54E., M.D.B.&M.¹

IV.

In a letter dated January 28, 1991, to the State Engineer's Office, the Division of State Lands found no Carey Act applications on file for land within W1/2 Section 10, W1/2 Section 15, W1/2 Section 22, E1/2 Section 26, E1/2 Section 27, N1/2 Section 34, T.5N., R.54E., and E1/2 Section 5, E1/2 Section 6, W1/2 Section 8, T.4N., R.54E., M.D.B.&M.¹

V.

In a letter dated February 8, 1991, to the State Engineer's Office, the Bureau of Land Management found no Carey Act or Desert Land Entries on file for land within W1/2 Section 10, W1/2 Section 15, W1/2 Section 22, E1/2 Section 26, E1/2 Section 27, N1/2 Section 34, T.5N., R.54E., and E1/2 Section 5, E1/2 Section 6, W1/2 Section 8, T.4N., R.54E., M.D.B.&M.¹

VI.

The applicant under Applications 47622, 47623, 47624, 47625, 47626, 47627, 47628, 47629 and 47631 has not demonstrated that he controls the land on which he plans to place the water to beneficial use.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action and determination.³

II.

Applications 47622, 47623, 47624, 47625, 47626, 47627, 47628, 47629 and 47631 filed by Central Nevada Water Co. requests water rights be granted on lands the applicant has no control of and cannot put to beneficial use.

III.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁴

- 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.

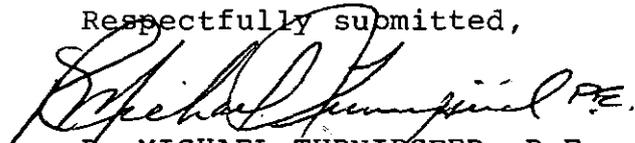
³ NRS Chapters 533 and 534.

⁴ NRS 533.370.

RULING

Applications 47622, 47623, 47624, 47625, 47626, 47627, 47628, 47629 and 47631 are hereby denied on the grounds that to grant Applications for irrigation purposes on lands that the Applicant does not own or control and cannot demonstrate the ability to place the water to beneficial use, would not be in the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/DJL/pm

Dated this 8th day of
March, 1991