

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

IN THE MATTER OF APPLICATION 60581)  
FILED TO APPROPRIATE THE WATERS OF)  
AN UNDERGROUND SOURCE WITHIN THE )  
IMLAY GROUND WATER BASIN (072), )  
PERSHING COUNTY, NEVADA. )

RULING

# 4213

GENERAL

I.

Application 60581 was filed on October 18, 1994, by Tim and Margarita J. DeLong as co-trustees under the Tim DeLong Family Trust Agreement, to appropriate 4.9 cfs of water from an underground source. The proposed manner of use is for irrigation purposes within the NW $\frac{1}{4}$ , E $\frac{1}{2}$  and the SW $\frac{1}{4}$  of Section 35, T.33N., R.35E., M.D.B.&M. The proposed point of diversion is within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 29, T.33N., R.29E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The perennial yield of a hydrologic basin is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. Perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural recharge that can be salvaged for beneficial use. If the perennial yield is continually exceeded, ground water levels will decline until the ground water reservoir is depleted. 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 uneconomic pumping lifts, land subsidence and possible reversal of ground water gradients which could result in significant changes in the recharge-discharge relationship.

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<sup>1</sup> Public records in the office of the State Engineer under Application 60581.

The perennial yield of the Imlay Ground Water Basin can be derived from the estimates of the basin's annual ground water recharge and discharge. An estimated 5,000 acre feet annually is discharged from the Imlay Ground Water Basin with approximately 1,000 acre feet lost through underflow from the basin's southern portion. An additional 1,000 acre feet discharges directly into the Humboldt River, the remaining 3,000 acre feet is discharged by phreatophytes and this amount can be considered as a reasonable estimate of the basin's perennial yield.<sup>2</sup>

The committed ground water resource in the form of permits and certificates issued by the State Engineer's Office within the Imlay Ground Water Basin currently exceeds 17,000 acre feet annually.<sup>3</sup> The State Engineer finds that the approval of Application 60581 in the Imlay Ground Water Basin where appropriations of ground water substantially exceed the basin's perennial yield, would adversely affect existing rights and be detrimental to the public interest.

## II.

Applications which requested a permanent appropriation of underground water for irrigation purposes within the Imlay Ground Water Basin have been denied by the State Engineer since 1976. These denials were based on the grounds that the appropriation of underground water for irrigation purposes would conflict with and tend to impair the value of existing rights and be detrimental to the public interest and welfare.<sup>4</sup> The State Engineer finds that Application 60581 has the effect of appropriating water for a

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<sup>2</sup> Water Resource Reconnaissance Series Report #5.

<sup>3</sup> Imlay Area Ground Water Basin Hydrologic summary.

<sup>4</sup> See Rulings for Applications 28473, 28474, 28475, 28480, 28485, 28486, 28487, 28488, 28489, 28490, 28491, 28493, 28494, 29083 through 29097, 30619, 30620, 30621, 30773, 30885, 31487, 31488, 31489, 31490, 31491, 31492, 31631, 31632, 31633, 31634, 31635, 31636, 32488 through 32501, 32797, 32798, 35058, 35059, 35060, 36050, 35945, 35946, 35947, 37107, 46928 and 47009.

similar use in the same basin as applications which have been denied in the past.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the subject matter of this action.<sup>5</sup>

II.

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

- 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.

III.

Where a previous application for a similar use of water within the same basin has been rejected on the grounds that there is no unappropriated water, or where its proposed change or use conflict with existing rights or threatens to prove detrimental to the public interest, the new application may be denied without publication.<sup>7</sup>

IV.

Application 60581 seeks to appropriate ground water for a similar use within the same basin where previous applications have been denied. Therefore, Application 60581 may be denied without publication.

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<sup>5</sup> NRS 533 and 534.

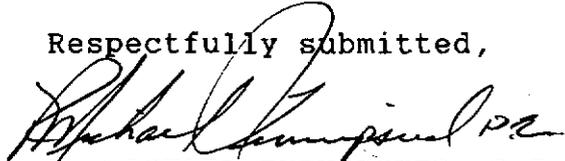
<sup>6</sup> NRS 533.370.

<sup>7</sup> NRS 533.370(3).

RULING

Application 60581 is hereby denied on the grounds that the granting thereof would adversely affect existing rights and would be detrimental to the public interest.

Respectfully submitted,

  
R. MICHAEL TURNIPSEED, P.E.  
State Engineer

RMT/MDB/pm

Dated this 13th day of  
September, 1995.