

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

IN THE MATTER OF APPLICATIONS 56248 AND)
56249 FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE WITHIN)
THE BIG SMOKY VALLEY-TONOPAH FLAT)
SUB-AREA GROUNDWATER BASIN (137A), NYE)
COUNTY, NEVADA.)

RULING

4637

GENERAL

I.

Application 56248 was filed on April 29, 1991, by Glade and Karen Quilter and Dick and Sammie Reason to appropriate 6.00 cubic feet per second (cfs) of underground water for irrigation purposes within 320 acres of land which is located within the NW¼ of Section 13, and the SW¼ of Section 12, both in T.6N., R.40E., M.D.B.&M. The proposed point of diversion is described as being located within the NW¼ SW¼ of said Section 12.¹

II.

Application 56249 was filed on April 29, 1991, by Glade and Karen Quilter and Dick and Sammie Reason to appropriate 6.0 cfs of underground water for the irrigation of the identical 320 acres of land described as the place of use under Application 56248. The proposed point of diversion is described as being located within the NE¼ NW¼ of Section 13, T.6N., R.40E. M.D.B.&M.²

FINDINGS OF FACT

I.

By Order No. 725 the State Engineer designated and described the Big Smoky Valley Groundwater Basin including that region defined as the Tonopah Flat Sub-Area under the provisions of NRS §

¹ File No. 56248, official records in the office of the State Engineer.

² File No. 56249, official records in the office of the State Engineer.

534.030 as a basin in need of additional administration.³ The State Engineer finds the points of diversion proposed under Applications 56249 and 56248 are within the designated groundwater basin.

II.

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. The 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 groundwater levels will decline until the groundwater 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 economic pumping lifts, land subsidence and possible reversal of groundwater gradients which could result in significant changes in the recharge-discharge relationship.⁴

The United States Geological Survey estimates that the perennial yield of the Big Smoky Valley-Tonopah Flat Sub-Area Groundwater Basin is 6,000 acre-feet annually.⁵ The committed groundwater resource in the form of permits and certificates issued by the State Engineer's office for groundwater withdrawal within the Big Smoky Valley-Tonopah Flat Sub-Area Groundwater Basin

³ State Engineer's Order No. 725, dated May 14, 1979, official records in the office of the State Engineer.

⁴ State Engineer's Office, Water for Nevada, State of Nevada Water Planning Report No. 3., p. 13, October 1971.

⁵ Nowlin, Jon, Ground-water Quality in Nevada - A Proposed Monitoring Program, Open File Report 78-768 U.S.G.S., p. 197.

currently exceeds 25,000 acre-feet annually.⁶ The State Engineer finds that the current committed groundwater resource of the Big Smoky Valley-Tonopah Flat Sub-Area Groundwater Basin exceeds the estimated perennial yield of the groundwater basin.

III.

Applications 56248 and 56249 were filed to appropriate a total combined duty of 1,280 acre-feet annually of underground water from the Big Smoky Valley-Tonopah Flat Sub-Area. The State Engineer finds that the approval of Applications 56248 and 56249 from a groundwater basin where the committed groundwater resource exceeds the perennial yield of the groundwater basin would conflict with the many existing water rights in the Big Smoky Valley-Tonopah Flat Sub-Area Groundwater Basin.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit under an application to appropriate the public waters where:⁸

- A. there is no unappropriated water at the proposed source;
- B. the proposed use conflicts with existing rights; or
- C. the proposed use threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that to grant permits under Applications 56248 and 56249 in a groundwater basin where the quantity of water under existing appropriations exceeds the

⁶ Special Hydrologic Basin Abstract, Water Rights Database, February 18, 1998, official records in the office of the State Engineer.

⁷ NRS Chapters 533 and 534.

⁸ NRS § 533.370.

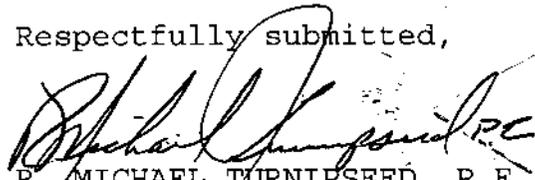
Ruling
Page 4

perennial yield would conflict with existing rights within the Big Smoky Valley-Tonopah Flat Sub-Area Groundwater Basin and would threaten to prove detrimental to the public interest.

RULING

Applications 56248 and 56249 are hereby denied on the grounds that granting the applications would interfere with existing rights and would prove detrimental to the public interest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/cl

Dated this 10th day of
June, 1998.