

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

IN THE MATTER OF APPLICATION 61345 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE LOWER REESE RIVER VALLEY )  
GROUNDWATER BASIN (059), LANDER )  
COUNTY, NEVADA. )

RULING

# 4857

GENERAL

I.

Application 61345 was filed on June 23, 1995, by Lander County to appropriate 0.78 cubic feet per second of underground water for industrial (road construction, maintenance, and dust control) purposes within Sections 27, 28, 33, and 34, T.32N., R.46E.; Sections 3, 10, 11, 13, 14, and 24, T.31N., R.46E.; Sections 8, 17, 20, 28 through 34, 36, and the E $\frac{1}{2}$  and the E $\frac{1}{2}$  W $\frac{1}{2}$  of Section 18, T.32N., R.47E.; Sections 1 through 23 and 26 through 30, T.31N., R.47E.; Section 36, T.32N., R.48E.; Sections 1 through 12, 17, and 18, T.31N., R.48E.; Section 31, T.32N., R.49E.; and Sections 5 through 8, T.31N., R.49E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 3, T.31N., R.46E., M.D.B.&M. Information contained within the remarks section of the application indicates that the consumptive use of water would be 500,000 gallons per day during the road construction phase and 240,000 gallons per day during the period of use for dust control and maintenance.<sup>1</sup>

II.

Application 61345 was timely protested by the Pershing County Water Conservation District of Nevada on the following grounds:<sup>1</sup>

That granting of said application will effect the water table and drainage and adversely effect the decreed waters of the Humboldt River.

<sup>1</sup> File No. 61345, official records in the office of the State Engineer.

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. 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 groundwater 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.<sup>2</sup>

The United States Geological Survey (USGS) estimates that the perennial yield for the Lower Reese River Valley Groundwater Basin is approximately 16,000 acre-feet annually.<sup>3</sup> The committed groundwater resource in the form of permits and certificates issued by the State Engineer's office for water use within the Lower Reese River Valley Groundwater Basin currently exceeds 29,700 acre-feet annually.<sup>4</sup> The State Engineer finds that the current committed groundwater resource of the Lower Reese River Valley Groundwater Basin exceeds the estimated perennial yield of the groundwater basin.

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<sup>2</sup> State Engineer's Office, Water for Nevada, Water Planning Report No. 3, p. 13, October 1971.

<sup>3</sup> Eakin, T.E., Lamke, R.D., Hydrologic Reconnaissance of the Humboldt River Basin, Nevada, Water Resource Bulletin No. 32, USGS and the State of Nevada Department of Conservation and Natural Resources, pp. 58.

**II.**

Application 61345 requests a new appropriation of underground water in support of road construction and maintenance operations. The consumptive use of water for each of these two phases is estimated by the applicant to be 500,000 and 240,000 gallons per day, respectively.<sup>1</sup> While the road construction phase may represent a relatively short term use of water, the road maintenance phase would continue for a longer period of time and would consume a large quantity of underground water. The State Engineer finds that the approval of Application 61345 would conflict with the many existing groundwater rights in the Lower Reese River Valley Groundwater Basin.

**CONCLUSIONS**

**I.**

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

**II.**

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

- 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.

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<sup>4</sup> Nevada Division of Water Resources Water Rights Database, Special Hydrographic Basin Abstract, Basin 059, January 20, 2000, official records in the office of the State Engineer.

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

<sup>6</sup> NRS § 533.370(3).

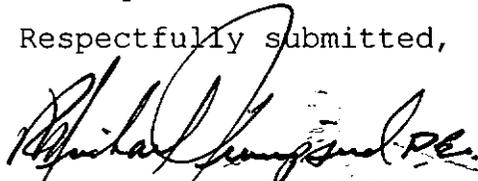
**III.**

The State Engineer concludes that to grant a permit under Application 61345 in a groundwater basin where the quantity of underground water under existing appropriations exceeds the groundwater basin's perennial yield would conflict with existing water rights within the Lower Reese River Valley Groundwater Basin and would threaten to prove detrimental to the public interest.

**RULING**

Application 61345 is hereby denied on the grounds that granting the application would interfere with existing rights and would threaten to prove detrimental to the public interest. No ruling is made on the merits of the protest.

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.

State Engineer

RMT/MDB/cl

Dated this 18th day of  
February, 2000.