

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

IN THE MATTER OF APPLICATION)
67004 FILED TO CHANGE THE POINT)
OF DIVERSION AND PLACE OF USE OF)
WATER WITHIN THE GRANITE SPRINGS)
VALLEY HYDROGRAPHIC BASIN (078),)
PERSHING COUNTY, NEVADA.)

RULING
5261

GENERAL

I.

Application 67004 was filed on December 5, 2000, by Nevada Land and Resource Co., LLC to change the point of diversion and place of use of 10.0 cubic feet per second of the water requested for appropriation under Application 65933 for the irrigation of 1,280 acres within Sections 13 and 23, T.25N., R.27E., M.D.B.&M.¹ The proposed point of diversion is described as being located within the NE¼ NE¼ of Section 23, T.25N., R.27E., M.D.B.&M.

II.

Application 67004 was timely protested by C-Punch Ranch, Inc. on the grounds that: (1) the groundwater basin is fully appropriated; (2) the prior water rights of the Protestant will be adversely affected; and, (3) in light of the above, it would be detrimental to the public interest to grant the application.²

III.

Nevada Revised Statute § 533.365 provides that the State Engineer shall consider a protest timely filed, but that it is within his discretion whether or not to hold an administrative hearing as to any particular water right application. The State Engineer finds there is sufficient information available in the records of the Division of Water Resources to review this application and an administrative hearing in this instance is not necessary.

¹ File No. 67004, official records in the Office of the State Engineer.

FINDINGS OF FACT

I.

Nevada Revised Statute § 533.345(1) provides that an application can be filed to change the place of diversion, manner or place of use of water already appropriated. Water already appropriated, in reference to a change application, refers to water represented by a water right permit or certificate in good standing.² The State Engineer finds Application 65933 has been approved subject to the payment of statutory permit fees. Upon the payment of those fees it is a water right in good standing; therefore, the Protestant's issue as to unappropriated water is without merit.

II.

The United States Geological survey estimates that the natural inflow/outflow of the Granite Springs Valley Hydrographic basin is approximately 4,500 acre-feet.³ The "perennial yield for Granite Springs Valley includes inflow from Kumiva Valley...[i]f tributary areas were fully developed, the estimated maximum amount of water available on a sustained basis would be about...4,000 acre-feet per year in Granite Springs Valley."⁴ The State Engineer finds that, upon the issuance of a permit under Application 65933, the committed ground-water resource in the form of permits and certificates issued by the State Engineer to appropriate underground water from the Granite Springs Valley Hydrographic Basin totals 2,702.17 acre-feet annually.⁵

² NRS § 533.324.

³ J.R. Harrill, *Water-Resources - Reconnaissance Series Report 55, Water-Resources Appraisal of the Granite Springs Valley Area, Pershing, Churchill, and Lyon Counties, Nevada*, State of Nevada, Dept. of Conservation and Natural Resources, Division of Water Resources and Geological Survey, U.S. Dept. of Interior, p. 23, 1970.

⁴ *Id.* at 26.

⁵ Hydrographic Basin Summary, Water Rights Database, December 10, 2002, official records in the Office of the State Engineer.

III.

Protestant C-Punch Ranch, Inc. holds two water rights that provide for the appropriation of water for stockwatering purposes from springs in Granite Springs Valley.⁶ The State Engineer finds based on the preceding analysis as to water resources in the groundwater basin, and on the fact that the Protestant's water rights are from spring sources that the granting of the change application will not adversely affect the Protestant's water rights or threaten to prove detrimental to the public interest.

CONCLUSIONS

I.

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

II.

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

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

The State Engineer concludes the granting of change Application 67004 will not conflict with existing water rights, protectible interests in domestic wells or threaten to prove detrimental to the public interest.

⁶ Permit 17992, Certificate 5109 and Permit 17993, Certificate 5080, official records in the Office of the State Engineer.

⁷ NRS chapters 533 and 534.

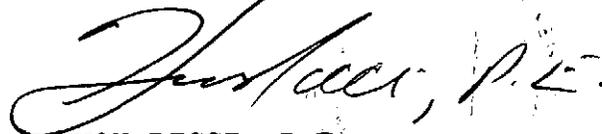
⁸ NRS § 533.370(3).

RULING

The protest to change Application 67004 is hereby overruled and Application 67004 is granted in the amount of 1,280 acre-feet annually at a diversion rate of 5.4 cubic feet per second for the irrigation of 320 acres of land, totally abrogating Application 65933, and is subject to:

1. the payment of statutory permit fees; and
2. existing water rights.

Respectfully submitted,



HUGH RICCI, P.E.
State Engineer

HR/SJT/jm

Dated this 11th day of
June, 2003.