

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

IN THE MATTER OF APPLICATION 76962 FILED)
TO APPROPRIATE THE UNDERGROUND)
WATERS OF THE FIREBALL VALLEY)
HYDROGRAPHIC BASIN (77), CHURCHILL)
COUNTY, NEVADA.)

RULING

5969

GENERAL

I.

Application 76962 was filed on April 18, 2008, by Nevada Land and Resource Company, LLC, to appropriate 0.675 cubic foot per second of the underground water of the Fireball Valley Hydrographic Basin for irrigation purposes within Sections 11 and 13, T.23N., R.25E., M.D.B.&M. The proposed point of diversion is described as being located within the SE¼ SE¼ of Section 11, T.23N., R.25E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The State Engineer finds that Application 76962 has a proposed point of diversion and place of use located within the hydrologic boundaries of the Fireball Valley Hydrographic Basin.

II.

Perennial yield of a ground-water reservoir may be defined as the maximum amount of ground water that can be salvaged each year over the long term without depleting the ground-water reservoir. Perennial yield is ultimately limited to the maximum amount of natural discharge that can be salvaged for beneficial use. If the perennial yield is continually exceeded, ground-water levels will decline.

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, increase in cost due to increased pumping lifts, land subsidence and possible reversal of ground-water gradients, which could result in significant changes in the recharge-discharge relationship.²

¹ File No. 76962, official records in the Office of the State Engineer.

² State Engineer's Office, *Water for Nevada, State of Nevada Water Planning Report No. 3*, p. 13, Oct. 1971.

The United States Geological Survey estimates that the perennial yield of the Fireball Valley Hydrographic Basin is approximately 100 acre-feet.³ The committed ground-water resource in the form of permits and certificates issued by the State Engineer to appropriate underground water from the Fireball Valley Hydrographic Basin currently exceeds 160 acre-feet annually.⁴ The State Engineer finds that existing ground-water rights in the Fireball Valley Hydrographic Basin exceeds the perennial yield of the ground-water basin.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law from granting a permit to appropriate the public waters where:⁶

- 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 committed ground-water resources of the Fireball Valley Hydrographic Basin currently exceed the ground-water basin's estimated perennial yield. The State Engineer concludes that the approval of the subject application would result in an additional withdrawal of ground water and therefore would adversely affect existing rights and threaten to prove detrimental to the public interest.

³ J.R. Harrill, *Water-Resources Appraisal of the Granite Springs Valley Area, Pershing, Churchill, and Lyon Counties, Nevada*, Water Resources - Reconnaissance Series Report 55, (Department of Conservation and Natural Resources, Division of Water Resources and United States Geological Survey), 1970.

⁴ Special Hydrologic Basin Abstract, Water Rights Database, Basin 77, December 29, 2008, official records in the Office of the State Engineer

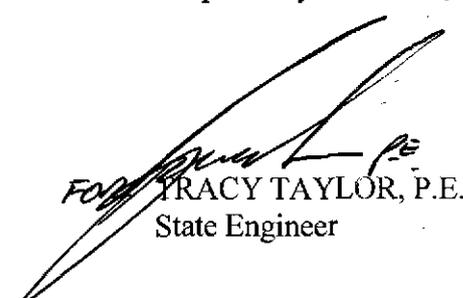
⁵ NRS chapters 533 and 534.

⁶ NRS § 533.370(5).

RULING

Application 76962 is hereby denied on the grounds that its approval would conflict with existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,



TRACY TAYLOR, P.E.
State Engineer

TT/TH/jm

Dated this 17th day of

April, 2009.