

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

IN THE MATTER OF APPLICATIONS 63075)
AND 63077 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE HONEY LAKE)
VALLEY HYDROGRAPHIC BASIN (97,))
WASHOE COUNTY, NEVADA.)

RULING
#6124

GENERAL

I.

Application 63075 was filed on May 2, 1997, by Northwest Nevada Water Resources Limited Partnership, later assigned to Fish Springs Ranch, LLC, to appropriate 5.0 cubic feet per second (cfs) of underground water within the Honey Lake Valley Hydrographic Basin for irrigation purposes. The proposed place of use is described as being approximately 1,440 acres located within the W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 22, NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 25, Section 26, and Section 27, all in T.26N., R.18E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T.26N., R.19E., M.D.B.&M.¹

II.

Application 63077 was filed on May 2, 1997, by Northwest Nevada Water Resources Limited Partnership, later assigned to Fish Springs Ranch, LLC, to appropriate 5.0 cfs, not to exceed 3619.85 afa of underground water within the Honey Lake Valley Hydrographic Basin for wildlife (commercial fisheries and wetlands) purposes. The proposed place of use is described as being located within the S $\frac{1}{2}$ of Section 12, Section 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 14, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23, and Section 24, T.26N., R.18E., M.D.B.&M., and Section 7, W $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 8, N $\frac{1}{2}$ NW $\frac{1}{4}$, of Section 16, N $\frac{1}{2}$, SW $\frac{1}{4}$, of Section 17, and N $\frac{1}{2}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$ of Section 18, T.26N., R.19E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 17, T.26N., R.19E., M.D.B.&M.²

¹ File No. 63075, official records in the Office of the State Engineer.

² File No. 63077, official records in the Office of the State Engineer.

FINDINGS OF FACT

I.

All water right applications, which are filed in the Office of the State Engineer, are subjected to a simple analysis to determine the location of the proposed point of diversion, within the hydrographic basin. The description of the proposed point of diversions found within Applications 63075 and 63077 and their supporting maps were used to plot the location of the proposed points of diversion. The State Engineer finds that Applications 63075 and 63077 propose to divert water from an underground source located within the hydrologic boundaries of the Honey Lake Valley Hydrographic Basin.

II.

State Engineer's Order No. 849, issued on January 15, 1985, designated the Honey Lake Valley Hydrographic Basin as a groundwater basin in need of additional administration.³ A review of records on file in the Office of the State Engineer shows that the committed groundwater resource in the form of permits and certificates issued by the State Engineer within the Honey Lake Valley Hydrographic Basin exceeds 14,000 afa. The current estimate of perennial yield is 13,000 afa. The State Engineer finds there is no additional groundwater available for appropriation within the Honey Lake Valley Hydrographic Basin in the quantities sought under Applications 63075 and 63077.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and subject matter of this action and determination.⁴

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁵

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;

³ State Engineer's Order No. 849, dated January 15, 1985, official records in the Office of the State Engineer.

⁴ NRS chapters 533 and 534.

⁵ NRS § 533.370(5).

- 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.

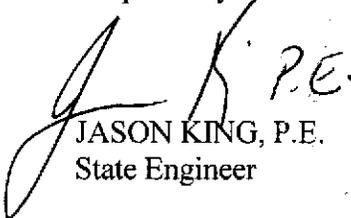
III.

Applications 63075 and 63077 are requesting approximately 7,240 afa of groundwater for irrigation and wildlife purposes, respectively, from the Honey Lake Valley Hydrographic Basin. Specifically, Application 63075 requests 5.0 cfs for the irrigation of 1,440 acres of land. Although a duty of water was not specified by the Applicant, a duty can be estimated by using the diversion rate expanded or by multiplying the irrigated acreage by the standard application rate of 4.0 acre-feet per acre. In this case, the diversion rate expanded would be controlling and that number is 3,619.85 afa. Application 63077 indicates in the remarks section of the application form that it is also being filed for 3,619.85 afa. The committed groundwater resources of the Honey Lake Valley Hydrographic Basin currently exceed the groundwater basin's estimated perennial yield. The State Engineer concludes that the approval of these applications would result in the withdrawal of substantial amounts of groundwater in excess of the perennial yield and therefore, would conflict with existing water rights and threaten to prove detrimental to the public interest.

RULING

Applications 63075 and 63077 are hereby denied on the grounds that their approval would conflict with existing water rights and threaten to prove detrimental to the public interest.

Respectfully submitted,


JASON KING, P.E.
State Engineer

Dated this 15th day of
June, 2011.