

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

IN THE MATTER OF APPLICATION 84816)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE GRASS VALLEY)
HYDROGRAPHIC BASIN (71), PERSHING)
COUNTY, NEVADA.)

RULING

#6332

GENERAL

I.

Application 84816 was filed on February 6, 2015, by the Michael G. and Teresa Y. Marvel Family Trust, to appropriate 0.016 cubic feet per second of the underground water within the Grass Valley Hydrographic Basin for stockwater purposes from January 1st through December 31st of each year to support 500 head of cattle. The proposed point of diversion and place of use is described as being located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 1, T.31N., R.38E., M.D.B.&M.¹

FINDINGS OF FACT

I.

The State Engineer finds that the Applicant proposes to appropriate 11.2 acre-feet annually (afa) of groundwater in the Grass Valley Hydrographic Basin, which is a designated basin, from January 1st through December 31st of each year.

II.

State Engineer's Order No. 464, dated July 24, 1972, designated and described the Grass Valley Hydrographic Basin as a groundwater basin in need of additional administration.²

State Engineer's Order No. 1171, dated August 7, 2003, added additional regulation for the designated Grass Valley Hydrographic Basin. Order No. 1171 stated that all applications to appropriate groundwater pursuant to Chapter 534 would be denied within areas described under Order No. 464. The only exceptions were: (1) those applications filed for commercial, industrial,

¹ File No. 84816, official records in the Office of the State Engineer.

² State Engineer's Order No. 464, dated July 24, 1972, official records in the Office of the State Engineer.

stockwater or wildlife purposes, and only those applications that sought to appropriate 1,800 gallons per day or less and where the property was zoned for such purposes; and (2) those applications for environmental permits filed pursuant to NRS §§ 533.437 to 533.4377, inclusive.³

State Engineer's Order No. 1247, dated November 24, 2014, ordered further curtailment for the Grass Valley Hydrographic Basin. Order No. 1247 stated that any application to appropriate groundwater within the designated Grass Valley Hydrographic Basin would be denied except for:

1. Those applications for environmental permits filed pursuant to NRS §§ 533.437 to 533.4377, inclusive.
2. Those applications for temporary appropriations of groundwater for establishing fire-resistant vegetative cover filed pursuant to NRS § 533.436.
3. Those applications filed for temporary stockwater use pursuant to NRS § 533.504 that seek appropriation of less than two acre-feet of water annually.
4. Those applications filed to increase diversion rate only, with no corresponding increase in duty of water.⁴

The State Engineer finds that none of the enumerated exceptions applies to Application 84816.

CONCLUSIONS OF LAW

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 under an application 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 protectable 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.

³ State Engineer's Order No. 1171, dated August 7, 2003, official records in the Office of the State Engineer.

⁴ State Engineer's Order No. 1247, dated November 24, 2014, official records in the Office of the State Engineer.

⁵ NRS 533 and 534.

⁶ NRS § 533.370(2).

III.

The State Engineer concludes that Application 84816 seeks to appropriate 11.2 afa of groundwater within Grass Valley Hydrographic Basin for stockwatering purposes; however, this is not one of the exceptions allowed under Order 1247. Therefore, approval of Application 84816 is prohibited by Order No. 1247, and approval of the application would threaten to prove detrimental to the public interest.

RULING

Application 84816 is hereby denied on the grounds that its approval is prohibited by State Engineer's Order No. 1247 and approval of the application would threaten to prove detrimental to the public interest.

Respectfully submitted,



JASON KING, P.E.
State Engineer

Dated this 13th day of
January, 2016.