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

IN THE MATTER OF APPLICATION 85136)
FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE HUNTINGTON)
VALLEY HYDROGRAPHIC BASIN (47),)
ELKO COUNTY, NEVADA.)

RULING

#6360

GENERAL

I.

Application 85136 was filed on April 30, 2015, by Lattin Livestock, LLC, to appropriate 4.0 cubic feet per second (cfs), (diversion rate only) of groundwater for irrigation and domestic purposes. The proposed point of diversion is described as being located within the SE¼ NW¼ of Section 1, T.28N., R.56E., M.D.B.&M. The proposed place of use is described as being located within the S½ NW¼ and the SW¼ of Section 1 and the N½ NW¼ of Section 12, T.28N., R.56E., M.D.B.&M. On the application under item #12, the Applicant states that this application is for diversion rate only; no additional water is being requested and this application will have a total combined duty with Permit 72292 not to exceed 300 acre-feet annually for the for the irrigation of 100 acres within the proposed place of use.[1]

FINDINGS OF FACT

I.

Permit 72292 was issued for 4.0 cfs for the irrigation of 100 acres of land, changing the point of diversion and place of use of water previously appropriated under Permit 63472. Permit 72292 was issued as a supplemental right to Humboldt River Claim 356.[2] The point of diversion under Permit 72292 is located approximately 1,400 feet from Corral Creek.[3] The proposed point

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[1] File No. 85136, official records in the Office of the State Engineer.
[2] Claim No. 356, Bartlett Decree, incorporated as Section 1 into the Decree entered in *In the Matter of the Determination of the Relative Rights of Claimants and Appropriators of the Waters of the Humboldt River Stream System and its Tributaries*, Case No. 2804, Sixth Judicial District Court of the State of Nevada, In and For the County of Humboldt (October 20, 1931).
[3] The topographic map utilized by the Office of the State Engineer identifies the source as Spencer Creek. For purposes of this Ruling, the surface water source is identified as Corral Creek.

of diversion under Application 85136 is located approximately 240 feet from Corral Creek, a tributary to the Humboldt River, a fully decreed surface water source.[1] Pumping from the well proposed under Application 85136 can induce recharge from Corral Creek in excess of naturally occurring stream infiltration by increasing the hydraulic gradient between the stream channel and the well. This occurs regardless of when the stream is flowing, because groundwater storage depletion caused by pumping in one season will be replaced by enhanced recharge in the following season. The amount of water captured from a stream can be estimated using Glover's analysis.[4] For the analysis of Application 85136, transmissivity was estimated to be 1,000 ft^2/day and the storage coefficient was estimated to be 0.15. The State Engineer finds that after a period of five years, reduction in stream flow caused by pumping from the proposed well under Application 85136 would be over 90% of the pumped rate. This percentage is the same regardless of the pumping rate.[1]

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.

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[4] Glover, R. E., and C.G. Balmer, 1954, *River depletion resulting from pumping a well near a river.* Am. Geophysical Union Trans. *v.* 35; no. 3: 468–470; *and see also*, Jenkins, C.T., 1968, *Techniques of water-resources investigations of the United State Geological Survey* (Computation of rate and volume of stream depletion by wells). United States Geological Survey. Book 4, ch. D1; p. 17.

[5] NRS Chapters 533 and 534.

[6] NRS § 533.370(2).

III.

Glover's analysis demonstrates that after a period of five years, a well pumped under Application 85136 would capture over 90% of the pumped rate from nearby Corral Creek, which is tributary to the Humboldt River; therefore, the State Engineer concludes that use of water under Application 85136 will conflict with existing rights and threaten to prove detrimental to the public interest.

RULING

Application 85136 is hereby denied on the grounds that approval would conflict with existing rights and thereby use of water under the Application would threaten to prove detrimental to the public interest.

Respectfully submitted,

P.E.

JASON KING, P.E.
State Engineer

Dated this 1st day of September, 2016.