

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

ORDER

#1297

IMPLEMENTING RULES  
FOR UNDERGROUND POST-PERENNIAL YIELD RIGHTS  
IN THE SILVER STATE VALLEY HYDROGRAPHIC BASIN (032),  
HUMBOLDT COUNTY, NEVADA.

**WHEREAS**, the Silver State Valley Hydrographic Basin was designated pursuant to NRS § 534.030 by Order 285 on April 28, 1965;

**WHEREAS**, NRS § 534.120(1) provides that within an area that has been designated by the State Engineer, the groundwater basin is being depleted in the judgment of the State Engineer, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved;

**WHEREAS**, the State Engineer estimates that the perennial yield of the Silver State Valley Hydrographic Basin is 5,900 acre-feet;<sup>1</sup>

**WHEREAS**, the committed rights in the form of claims of vested rights, permits and certificates to the use of the groundwater currently exceed 19,800 acre-feet annually. The committed rights to the use of groundwater within the Silver State Valley Hydrographic Basin range in priority date from January 16, 1962 to December 4, 2015;

**WHEREAS**, it is the policy of the State Engineer to manage groundwater basins using perennial yield. The date on which use of groundwater reached the perennial yield in the Silver State Hydrographic Basin was after the issuance of permits with a priority date of July 11, 1968. Therefore the rules implemented by this Order apply to rights that are issued with a priority date later than July 11, 1968.<sup>2,3</sup>

<sup>1</sup> C.J. Huxel, Jr., et al., *Effects of Irrigation Development on the Water Supply of Quin River Valley Area, Nevada and Oregon, 1950-1965*, Water Resources Bulletin No. 34, (Department of Conservation and Natural Resources, Division of Water Resources and U.S. Department of the Interior, Geological Survey), 1966.

<sup>2</sup> The priority cutoff date was established by applying a consumptive use adjustment for irrigation and mining rights according to the *Evapotranspiration and Net Irrigation Water Requirements for Nevada* (NIWR).

<sup>3</sup> The priority cutoff date established as of the date of this Order is subject to change due to the cancellation, forfeiture or abandonment of rights that are senior to the cutoff date. Any junior right holder who requests to take action prohibited by this Order, will be examined against the priority cutoff date at the time the State Engineer takes action on the pending application.

**WHEREAS**, the State Engineer's records demonstrate annual pumping in the basin in the following amounts:

<b>YEAR</b>	<b>ACRE-FEET PUMPED</b>
2009	15,817
2010	15,856
2011	15,630
2012	19,691
2013	18,697
2014	19,339
2015	18,378
2016	17,926
2017	17,022

**WHEREAS**, pumping rates exceed the estimated perennial yield and the pumping and water level data demonstrate that the static water level has continually declined;

**WHEREAS**, the State Engineer has determined that the groundwater basin is being depleted and that these rules are necessary to protect existing rights and the health and welfare of the basin by regulating potential increases in pumping by junior rights within the basin;

**WHEREAS**, potential increases in pumping by junior rights and a resultant additional depletion of groundwater presents a potential conflict with existing senior rights; consequently, these rules, if not implemented, may result in conditions requiring regulation by priority in the basin pursuant to NRS § 534.110(6);

**NOW THEREFORE**, it is hereby ordered that requests to move any portion(s) of a right created by the conversion to center pivot irrigation (*i.e.*, pivot corners) that are junior to July 11, 1968, or other priority cutoff date later determined by the State Engineer, will be denied.

  
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JASON KING, P.E.  
State Engineer

Dated at Carson City, Nevada this

26th day of April, 2018.