

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

ORDER

#1300

**CURTAILING NEW APPROPRIATIONS OF GROUNDWATER
WITHIN THE BIG SMOKY VALLEY-TONOPAH FLAT
HYDROGRAPHIC BASIN (137A), LOCATED WITHIN
NYE, MINERAL AND ESMERALDA COUNTIES, NEVADA**

WHEREAS, Nevada Revised Statute (NRS) § 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the groundwater basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

WHEREAS, the State Engineer designated the Big Smoky Valley-Tonopah Flat Hydrographic Basin, as provided under the provisions of NRS § 534.030, by Order 725 dated May 14, 1979.

WHEREAS, the Nevada Division of Water Resources estimates that 6,000 acre-feet of water annually is available as the perennial yield from the Big Smoky Valley-Tonopah Flat Hydrographic Basin.¹

WHEREAS, the committed groundwater appropriations of record in the Office of the State Engineer total 23,195.90 acre-feet annually, which greatly exceeds the perennial yield of the basin.²

WHEREAS, the State Engineer finds that conditions warrant the curtailment of new appropriations of groundwater within the Big Smoky Valley-Tonopah Flat.

¹ F.E. Rush and C.V. Schroer, *Water Resources of Big Smoky Valley, Lander, Nye, and Esmeralda Counties, Nevada*, Water Resources Bulletin No. 41, (Department of Conservation and Natural Resources, Division of Water Resources and U.S. Department of the Interior, Geological Survey), 1971.

² Nevada Division of Water Resources' Water Rights Database, Hydrographic Basin Summary, Big Smoky Valley-Tonopah Flat Hydrographic Basin (137A), accessed July 6, 2018, official records in the Office of the State Engineer, available at <http://water.nv.gov/undergroundactive.aspx>.

NOW THEREFORE, IT IS HEREBY ORDERED that, with the following exceptions, any application to appropriate groundwater pursuant to NRS Chapters 533 and 534 within the designated Big Smoky Valley-Tonopah Flat Hydrographic Basin will be denied. Applications filed under the exceptions below must also satisfy the criteria found in NRS Chapters 533 and 534.

EXCEPTIONS:

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



P.E.

JASON KING, P.E.
State Engineer

Dated at Carson City, Nevada this

11th day of December, 2018.