

IN THE MATTER OF APPLICATIONS 32734,)
32735, 32736, 32737, 32962, 32963, 33008,)
33014, 33079, 33080, 34224, 34267, 34522,)
34523, 34525, 34529, 34530, 34531, 34533)
34661, 34662, 34663 AND 34664, FILED )
FOR THE WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE VIRGIN RIVER VALLEY)
AREA OF CLARK COUNTY, NEVADA )

R U L I N G 2574

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INTRODUCTION

Application 32734 was filed on July 7, 1977, by B.R. Behmer to appropriate 2.0 c.f.s of the waters of an underground source to be diverted within the NE 1/4 NW 1/4 of Section 5, T.14S., R.70E., M.D.B.&M., and to be used for the irrigation of 160 acres within the E 1/2 NW 1/4, SW 1/4 NW 1/4, NE 1/4 SW 1/4 of Section 5, T.14S., R.70E., M.D.B.&M.

Application 32735 was filed on July 7, 1977, by Robert C. Behmer to appropriate 2.0 c.f.s. of the waters of an underground source to be diverted within the SE 1/4 NW 1/4 of Section 32, T.13S., R.70E., M.D.B.&M., and to be used for the irrigation of 160 acres within the S 1/2 NW 1/4, E 1/2 SW 1/4 of Section 32, T.13S., R.70E., M.D.B.&M.

Application 32736 was filed on July 7, 1977, by Bernie F. Behmer to appropriate 2.0 c.f.s. of the waters of an underground source to be diverted within the NW 1/4 NE 1/4 of Section 5, T.14S., R.70E., M.D.B.&M., and to be used for the irrigation of 160 acres within the NE 1/4 of Section 5, T.14S., R.70E., M.D.B.&M.

Application 32737 was filed on July 7, 1977, by Guy G. Whitmore to appropriate 2.0 c.f.s. of the waters of an underground source to be diverted within the SW 1/4 NE 1/4 of Section 32, T.13S., R.70E., M.D.B.&M., and to be used for the irrigation of 160 acres within the SW 1/4 NE 1/4, W 1/2 SE 1/4, SE 1/4 SE 1/4 of Section 32, T.13S., R.70E., M.D.B.&M.

Application 32962 was filed on July 29, 1977, by Douglas M. Hafen to appropriate 3.0 c.f.s. of the waters of an underground source to be diverted within the NW 1/4 SE 1/4 of Section 9, T.13S., R.71E., M.D.B.&M., and to be used for the irrigation of 160 acres within the SW 1/4 NE 1/4, NE 1/4 SE 1/4, W 1/2 SE 1/4 of Section 9, T.13S., R.71E., M.D.B.&M., and domestic purposes.

Application 32963 was filed on July 29, 1977, by Ann L. Hafen to appropriate 3.0 c.f.s. of the waters of an underground source to be diverted within the NE 1/4 SW 1/4 of Section 9, T.13S., R.71E., M.D.B.&M., and to be used for the irrigation of 160 acres within the S 1/2 SE 1/4 NE 1/4 of Section 8, S 1/2 S 1/2 NW 1/4, N 1/2 NW 1/4 SW 1/4, E 1/2 SW 1/4 of Section 9, T.13S., R.71E., M.D.B.&M., and domestic purposes.

Application 33008 was filed on August 2, 1977, by Gary B. Hafen to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW 1/4 SE 1/4 of Section 8, T.13S., R.71E., M.D.B.&M., and to be used for the irrigation of 120 acres within the SW 1/4 SE 1/4, E 1/2 SE 1/4 of Section 8, T.13S., R.71E., M.D.B.&M and domestic purposes.

Application 33014 was filed on August 3, 1977, by Monta Hafen to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, T.13S., R.71E., M.D.B.&M., and to be used for the irrigation of 160 acres within the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 18, NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 17, SE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 8, T.13S., R.71E., M.D.B.&M., and domestic purposes.

Application 33079 was filed on August 8, 1977, by Bryan K. Hafen to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 18, T.13 S., R.71E., M.D.B.&M., and to be used for the irrigation of 160 acres within the S $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 18, T.13S., R.71E., SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 13, T.13S., R.70E., M.D.B.&M., and domestic purposes.

Application 33080 was filed on August 8, 1977, by Dawn N. Hafen to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 13, T.13S., R.70E., M.D.B.&M., and to be used for the irrigation of 160 acres within the N $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 13, T.13S., R.70E., and domestic purposes.

Application 34224 was filed on October 18, 1977, by Franklin R. Carpenter to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 29, T.14S., R.68E., M.D.B.&M., and to be used for the irrigation of 150 acres within the NE $\frac{1}{4}$  of Section 29, T.14S., R.68E., M.D.B.&M., and domestic purposes.

Application 34267 was filed on October 18, 1977, by Diane S. Dula to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 16, T.15S., R.68E., M.D.B.&M., and to be used for the irrigation of 160 acres within the NE $\frac{1}{4}$  of Section 16, T.15S., R.68E., M.D.B.&M., and domestic purposes.

Application 34522 was filed on November 1, 1977, by Ann Fischer to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 9, T.15S., R.68E., M.D.B.&M., and to be used for the irrigation of 150 acres within the SE $\frac{1}{4}$  of Section 9, T.15S., R.68E., M.D.B.&M., and domestic purposes.

Application 34523 was filed on November 1, 1977, by Donald L. Roberts to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 9, T.15S., R.68E., M.D.B.&M., and to be used for the irrigation of 150 acres within the NE $\frac{1}{4}$  of Section 9, T.15S., R.68E., M.D.B.&M., and domestic purposes.

Application 34525 was filed on November 1, 1977, by Roy E. Roberts to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 9, T.15S., R.68E., M.D.B.&M., and to be used for the irrigation of 150 acres within the SW $\frac{1}{4}$  of Section 9, T.15S., R.68E., M.D.B.&M., and domestic purposes.

Application 34529 was filed on November 1, 1977, by LaVonne A. Norris to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 16, T.15S., R.68E., M.D.B.&M., and to be used for the irrigation of 160 acres within the NW $\frac{1}{4}$  of Section 16, T.15S., R.68E., M.D.B.&M., and domestic purposes.

Application 34530 was filed on November 1, 1977, by James W. Norris to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 16, T.15S., R.68E., M.D.B.&M., and to be used for the irrigation of 160 acres within the SW $\frac{1}{4}$  of Section 16, T.15S., R.68E., M.D.B.&M., and domestic purposes.

Application 34531 was filed on November 1, 1977, by John D. Norris to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 16, T.15S., R.68E., M.D.B.&M., and to be used for the irrigation of 160 acres within the SE $\frac{1}{4}$  of Section 16, T.15S., R.68E., M.D.B.&M., and domestic purposes.

Application 34533 was filed on November 1, 1977, by David Roberts to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 10, T.15S., R.68E., M.D.B.&M., and to be used for the irrigation of 150 acres within the SE $\frac{1}{4}$  of Section 10, T.15S., R.68E., M.D.B.&M., and domestic purposes.

Application 34661 was filed on November 30, 1977, by W.J. Ladd to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, T.15S., R.68E., M.D.B.&M., and to be used for the irrigation of 150 acres within the NE $\frac{1}{4}$  of Section 4, T.15S., R.68E., M.D.B.&M., and domestic purposes.

Application 34662 was filed on November 30, 1977, by Mrs. Karen Savage to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, T.14S., R.68E., M.D.B.&M., and to be used for the irrigation of 150 acres within the NE $\frac{1}{4}$  of Section 4, T.14S., R.68E., M.D.B.&M., and domestic purposes.

Application 34663 was filed on November 30, 1977, by Mrs. Christy Molina to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 4, T.15S., R.68E., M.D.B.&M., and to be used for the irrigation of 150 acres within the SE $\frac{1}{4}$  of Section 4, T.15S., R.68E., M.D.B.&M., and domestic purposes.

Application 34664 was filed on November 30, 1977, by Mrs. Marsha Bair to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$  of Section 4, T.15S., R.68E., M.D.B.&M., and to be used for the irrigation of 150 acres within the SW $\frac{1}{4}$  of Section 4, T.15S., R.68E., M.D.B.&M., and domestic purposes.

In 1969 Water Resources - Reconnaissance Series Report 51, "Water Resources Appraisal of the Lower Virgin River Valley Area, Nevada, Arizona, and Utah" by Patrick A. Glancy and A.S. Van Denburgh was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the United States Department of the Interior, Geological Survey. This report may be viewed in the State Engineer's Office.

## FINDINGS OF FACT

### I

The source of water to be used to reclaim lands under these applications is water from an underground source within the Lower Virgin River Valley Ground-water Basin. 1/

### II

Ground-water recharge originates mainly as precipitation within the area. 2/ Estimated recharge from precipitation in Nevada is 3,100 acre feet north of the river and 500 acre feet south of river or a total recharge of 3,600 acre feet per year. 3/

### III

Certificates of appropriation from ground-water have been issued in the amount of 1,437 acre feet per year. Additionally the State Engineer has issued permits which would allow for the diversion of 4,495 acre feet per year. This amounts to an annual demand of 5,935 acre feet. 4/

### IV

Should additional water be allowed for appropriation for the reclamation of lands under these applications and subsequent development of ground-water pursuant thereto detrimentally affect prior ground-water rights, the State Engineer is required by law to order withdrawals be restricted to conform with priority rights. 5/

## CONCLUSIONS

1. The State Engineer has jurisdiction under NRS 533.325, as amended. 6/
2. The State Engineer is prohibited by law from granting a permit where:
  - A. There is no unappropriated water at the source, or
  - B. The proposed use conflicts with existing rights, or
  - C. The proposed use threatens to prove detrimental to the public welfare. 7/
3. If the subject applications were reported on favorably additional lands would be irrigated. This would result in additional consumptive use by farm land irrigation. The additional withdrawals and consumption would remove water from the ground-water reservoir which would not be replaced resulting in depletion of the ground-water reservoir, substantial water-level declines and land subsidence. The additional withdrawals and consumption of underground-water would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Applications 32734, 32735, 32736, 32737, 32962, 32963, 33008, 33014, 33079, 33080, 34224, 34267, 34522, 34523, 34525, 34529, 34530, 34531, 34533, 34661, 34662, 34663 and 34664 are hereby denied on the grounds that their granting would tend to impair the value of existing rights and threaten to prove detrimental to the public welfare.

Respectfully submitted,

*William J. Newman*

William J. Newman, P.E.  
State Engineer

Dated this 6th day

of August, 1980

## FOOTNOTES

1. Public records in the State Engineer's office.
2. Reconnaissance Series Report 51, Pg. 36.
3. Reconnaissance Series Report 51, Pg. 38.
4. Public records in the State Engineer's office.
5. NRS 534.110, subsection 3 and 6.
6. NRS 533.325.
7. NRS 533.370, subsection 4.