IN THE MATTER OF APPLICATIONS 39363)
AND 44412 FILED FOR THE WATERS OF)
UNDERGROUND SOURCES WITHIN THE)
VIRGIN RIVER VALLEY AREA OF CLARK)
COUNTY, NEVADA)

RULING 2746

INTRODUCTION

Application 39363 was filed on October 16, 1979 by Gary B. Hafen to appropriate 3.5 c.f.s. of the waters of an underground source to be diverted within the SW¼ SE¼ of Section 8, T.13S., R.71E., M.D.B.& M., and to be used for the irrigation of 200 acres within the NE¼ SE¼ of Section 18, T.13S., R.71E., M.D.B.& M.

Application 44412 was filed on September 9, 1981 by H. L. Montfort to appropriate 5.6 c.f.s. of the waters of an underground source to be diverted within the NW¼ NE¼ of Section 21, T.14S., R.70E., M.D.B.& M., and to be used for the irrigation of 320 acres within the E½ of said Section 21, T.14S., R.70E., M.D.B.& M.

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 the 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 allowd 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/

V

Prior applications to appropriate water from this ground water basin have been denied. 1/

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 39363 and 44412 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,

Peter G. Morros
State Engineer

PGM/GMT/dh

Dated this 3rd day

of February 1982.

FOOTNOTES

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