

IN THE MATTER OF APPLICATIONS 38324,)
38358, AND 38577 FILED TO APPROPRIATE)
GROUNDWATER IN ANTELOPE VALLEY, LANDER)
COUNTY, NEVADA)

R U L I N G

INTRODUCTION

Application 38324 was filed on June 14, 1979, by K. R. Pinckney to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 29, T25N, R41E, MDB&M, and to be used for the irrigation of 320 acres within the E $\frac{1}{2}$ said Section 29.

Application 38358 was filed on June 18, 1979, by Victor Weber to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 21, T25N, R41E, MDB&M, and to be used for the irrigation of 320 acres within the E $\frac{1}{2}$ said Section 21.

Application 38577 was filed on July 17, 1979, by F. P. Schock to appropriate 5.4 c.f.s. of water from an underground source to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 21, T25N, R41E, MDB&M, and to be used for the irrigation of 320 acres within the W $\frac{1}{2}$ said Section 21.

In 1963, Ground-Water Resources Reconnaissance Series Report 19, "Ground-Water Appraisal of Antelope and Middle Reese River Valley, Lander County, Nevada," by E. G. Crosthwaite, was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources, and U.S. Department of the Interior, Geological Survey. This report may be viewed at 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 Antelope Valley portion of the Antelope Valley - Middle Reese River Valley Ground Water Basin as designated and described by Order of the State Engineer on August 5, 1964. 1/

II.

The perennial yield from the Antelope Valley portion of the Antelope Valley - Middle Reese River Valley Ground Water Basin is estimated by the U.S. Geological Survey to be 9,000 acre-feet of water per year. 2/

III.

Certificates of Water Appropriations have been issued for the use of 29,650 acre-feet of water per year and additionally; permits presently

issued could be developed to divert 4,700 acre-feet of water per year or a total demand on the basin of 34,250 acre-feet of water per year. 3/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 4/
2. The State Engineer is prohibited by law from granting a permit where:
 - A. There is no unappropriated water at the proposed source, or
 - B. The proposed use conflicts with existing rights, or
 - C. The proposed use threatens to prove detrimental to the public welfare. 5/
3. Existing water rights for groundwater in Antelope Valley exceed the estimated perennial yield for the Antelope Valley groundwater reservoir.

To grant additional water rights under the subject applications would conflict with the existing rights and threaten to prove detrimental to the public welfare.

RULING

Applications 38324, 38358, and 38577 are hereby denied on the grounds that their granting would tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/TKG/ja

Dated this 27th day
of AUGUST, 1982.

FOOTNOTES

1. Order No. 276, public records located within the office of the State Engineer
2. Report 19, pg. 17
3. Public records located within the office of the State Engineer
4. NRS 533.025 and 533.030, subsection 1
5. NRS 533.370, subsection 4