

IN THE MATTER OF APPLICATIONS 33221, 37267,)
37269, 37314, 37389, 37910, 37911, 37912, 37913,)
38080, 38081, 38266, 38598, 38599, 38600, 38905,)
40192, 40193, AND 40852 FILED TO APPROPRIATE)
UNDERGROUND WATER IN PAHRUMP VALLEY, CLARK AND)
NYE COUNTIES, NEVADA)

R U L I N G

INTRODUCTION

Application 33221, 37267, 37269, 37314, 37389, 37910, 37911, 37912, 37913, 38080, 38081, 38266, 38598, 38599, 38600, 38905, 40192, 40193, and 40852 were filed to appropriate water from an underground source in Pahrump Valley Ground Water Basin, Clark and Nye Counties, Nevada.

In 1982, U.S. Geological Survey Open-File Report 81-635 "Ground Water Storage Depletion in Pahrump Valley, Nevada-California, 1962-75" by James R. Harrill was prepared cooperatively by the Nevada Department of Conservation and Natural Resources and the U.S. Department of the Interior, Geological Survey. This report is available in the State Engineer's office.

FINDINGS OF FACT

Application 33221 was filed by Mrs. Charles Frias on August 13, 1977, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 32, T22S, R56E, MDB&M, and the place of use is 150 acres within the NE $\frac{1}{4}$ of Section 32, T22S, R56E, MDB&M.

Application 37267 was filed by Elmer C. Evers on March 28, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 30, T19S, R52E, MDB&M, and the place of use is 320 acres within the N $\frac{1}{2}$ N $\frac{1}{2}$ Section 36, T19S, R52E, and the SW $\frac{1}{4}$ of Section 30, T19S, R52E, MDB&M.

Application 37269 was filed by Kenneth R. Gager on March 28, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T19S, R51E, MDB&M, and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 25, T19S, R51E, MDB&M.

Application 37314 was filed by Robert J. Evers on March 29, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 25, T19S, R51E, MDB&M, and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 25, T19S, R51E, MDB&M.

Application 37389 was filed by Robert L. McCoy on March 30, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 31, T19S, R52E, MDB&M, and the place of use is 320 acres within the W $\frac{1}{2}$ of Section 31, T19S, R52E, MDB&M.

Application 37910 was filed by Frank E. Butterfield on April 13, 1979, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T22S, R56E, MDB&M, and the place of use is 160 acres within the SE $\frac{1}{4}$ of Section 21, T22S, R56E, MDB&M.

Application 37911 was filed by Violet Butterfield on April 13, 1979, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 21, T22S, R56E, MDB&M, and the place of use is 160 acres within the SW $\frac{1}{4}$ of Section 21, T22S, R56E, MDB&M.

Application 37912 was filed by Starr Lyn Butterfield on April 13, 1979, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 21, T22S, R56E, MDB&M, and the place of use is 160 acres within the NW $\frac{1}{4}$ of Section 21, T22S, R56E, MDB&M.

Application 37913 was filed by Stella Butterfield on April 13, 1979, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 21, T22S, R56E, MDB&M, and the place of use is 160 acres within the NE $\frac{1}{4}$ of Section 21, T22S, R56E, MDB&M.

Application 38080 was filed by Robert Gilbert on May 1, 1979, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T22S, R56E, MDB&M, and the place of use is 160 acres within the SE $\frac{1}{4}$ of Section 20, T22S, R56E, MDB&M.

Application 38081 was filed by Esmey Gilbert on May 1, 1979, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 20, T22S, R56E, MDB&M, and the place of use is 160 acres within the NE $\frac{1}{4}$ of Section 20, T22S, R56E, MDB&M.

Application 38266 was filed by Ellis I. Nanney on June 4, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, T23S, R54E, MDB&M, and the place of use is 323.33 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, and N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 1, T23S, R54E, MDB&M.

Application 38598 was filed by Lawrence W. Smith on July 19, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 6, T23S, R55E, MDB&M, and the place of use is 318.43 acres within the SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, Lot 7 and Lot 10, Section 6, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 5, T23S, R55E, MDB&M.

Application 38599 was filed by Terry D. Smith on July 19, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within Lot 2 of Section 6, T23S, R55E, MDB&M, and the place of use is 316.96 acres within Lots 1, 2, 3, 4, and 5, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 6, T23S, R55E, MDB&M.

Application 38600 was filed by Donald R. Hudson on July 19, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T23S, R55E, MDB&M, and the place of use is 308.86 acres within Lots 1, 2, 6, 7, 8, 10, 11, 13, and 14, Section 7, and Lot 1, Section 18, T23S, R55E, MDB&M.

Application 38905 was filed by Benjamin Cook on September 4, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T23S, R55E, MDB&M, and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 8, T23S, R55E, MDB&M.

Application 40192 was filed by Cheryl K. Cook on January 4, 1980, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 16, T23S, R55E, MDB&M, and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 16, T23S, R55E, MDB&M.

Application 40193 was filed by Nancy R. Simmons on January 4, 1980, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 16, T23S, R55E, MDB&M, and the place of use is 320 acres within the S $\frac{1}{2}$ of Section 16, T23S, R55E, MDB&M.

Application 40852 was filed by Otto B. McCoy on March 10, 1980, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 8, T24N, R8E, SBM and the place of use is 320 acres within the N $\frac{1}{2}$ of Section 8, T24N, R8E, SBM. I/

II

The perennial yield of a ground water reservoir may be defined as the maximum amount of water of usable chemical quality that can be withdrawn and consumed economically each year for an indefinite period

of time. If the perennial yield is continually exceeded, water levels will decline until the ground water reservoir is depleted of water of usable quality or until the pumping lifts become uneconomical to maintain. 2/ The perennial yield of Pahrump Valley probably does not exceed 19,000 acre-feet. 3/

Overdraft may be defined as the amount by which the net pumping draft exceeds the perennial yield. A substantial overdraft exists on the ground water reservoir. Overdraft on the system in 1978 was about 15,335 acre-feet per year and under these conditions, no new equilibrium is possible and water levels will continue to decline as long as this high level of pumping is sustained. 4/

Should additional water be allowed for appropriation for the reclamation of lands under the Carey Act and the Desert Land Entry Act applications, listed under Item 1 and subsequent development of ground water pursuant thereto detrimentally affects prior ground water rights, the State Engineer is required by law to order withdrawals be restricted to conform to priority rights. 5/

III

Permits and certificates have been issued in Pahrump Valley that could be used to withdraw over 60,000 acre-feet of ground water per year. 6/

CONCLUSIONS

1. The State Engineer has jurisdiction of the parties and the subject matter of this action. 7/
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. 8/
3. Existing water rights for ground water in Pahrump Valley exceed the estimated perennial yield in this valley. These applications are to irrigate an additional 4,617.58 acres; and if permits were issued, an additional 23,089 acre-feet of ground water could be withdrawn annually from the ground water basin.

4. To grant permits would result in additional withdrawals for consumptive use by farm land irrigation. This water would not be replaced resulting in a steady 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 33221, 37267, 37269, 37314, 37389, 37910, 37911, 37912, 37913, 38080, 38081, 38266, 38598, 38599, 38600, 38905, 40192, 40193, and 40852 are hereby denied on the grounds that the appropriation of additional ground water for irrigation as requested 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/GB/ja

Dated this 10th day

of NOVEMBER, 1982.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Water Supply Paper 1832, Page 39.
3. U.S. Geological Survey Open File Report 81-635, Page 71.
4. U.S. Geological Survey Open File Report 81-635, Page 71.
5. NRS 534.110, subsections 3 and 6.
6. Public records in the office of the State Engineer.
7. NRS 533.025 and 533.030, subsection 1.
8. NRS 533.370, subsection 4.