

IN THE MATTER OF APPLICATION 47274 )  
FILED TO APPROPRIATE THE WATERS OF )  
AN UNDERGROUND SOURCE IN PARADISE )  
VALLEY, HUMBOLDT COUNTY, NEVADA )

R U L I N G

INTRODUCTION

Water Resources Bulletin No. 39, "Effects of Ground-Water Development on the Regimen of Paradise Valley, Humboldt County, Nevada, 1948-1968, and Hydraulic Reconnaissance of the Tributary Areas," by J. R. Harrill and D. O. Moore, was prepared cooperatively by the Department of Conservation and Natural Resources and the U.S. Department of the Interior, Geological Survey.

Water Resources Bulletin No. 10, "Groundwater in Paradise Valley, Humboldt County, Nevada" by Omar J. Loeltz, David A. Phoenix and Thomas W. Robison was prepared cooperatively by the office of the State Engineer and the U.S. Department of the Interior, Geological Survey.

FINDINGS OF FACT

I.

Application 47274 was filed on September 29, 1983 by Richard F. Gavica to appropriate 0.89 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 11, T.41N., R.39E., M.D.B.&M., and the place of use is 40 acres in the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 11, T.41N., R.39E., M.D.B.&M.

II.

The State Engineer designated and described the Paradise Valley Groundwater Basin on October 22, 1971, as a basin in need of additional administration under the provisions of NRS Chapter 534. 1/

III.

The estimate of the average annual groundwater recharge in Paradise Valley is about 40,000 acre-feet per year. 2/

IV.

Permitted and certificated rights for irrigation purposes with priorities earlier than October 8, 1976 have been issued which could result in the withdrawal of more than 69,000 acre-feet of groundwater on an annual basis.

Crop inventories have been maintained periodically since 1974 in the Paradise Valley groundwater basin. 3/

The 1978 Crop Inventory estimated that more than 80,000 acre-feet of water was pumped from the groundwater reservoir. This total includes groundwater used to supplement surface rights. 3/

The 1981 Crop Inventory estimated that more than 85,000 acre-feet of water was pumped from the groundwater reservoir. This total includes groundwater used to supplement surface rights. 3/

The 1982 Fall Crop Inventory estimated that pumpage was approximately 75,000 acre-feet from the groundwater reservoir. This total includes groundwater used to supplement surface rights. 3/

The 1983 Crop Inventory estimated that pumpage was approximately 75,000 acre-feet from the groundwater reservoir. This total includes groundwater used to supplement surface rights. 3/

Prior applications to appropriate water in the concentrated area of Paradise Valley have been denied. 4/

A cone of depression has developed in the area of wells being pumped for irrigation purposes under existing rights South of the centerline of Township 39 North M.D.B.&M. Records show that this cone of depression is increasing and its area of influence has been moving in a northeasterly and easterly direction from its approximate center which was located in Township 38 North Range 38 East M.D.B.&M., in March, 1983. 5/

Groundwater level contour 4310 has moved 3 miles north since the spring of 1968 because of the heavy pumping in the south end of Paradise Valley.

Further, these wells are located in an area where the potential recharge from runoff is limited as it is indicated by Table 10 in "Water Resources Bulletin 39." 6/

V.

Application 47274 has the lowest order of priority under NRS 533.357.

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action. 7/

There is evidence of declining water tables in the areas of concentrated development. 5/

II.

The State Engineer is prohibited by law<sup>5</sup> from granting a permit where:

- A. there is no unappropriated water at the proposed source,
- B. the proposed use conflicts with existing rights,
- C. the proposed use threatens to prove detrimental to the public welfare.

III.

If Application 47274 was granted, additional withdrawal and consumption

would remove water from the groundwater reservoir which would not be replaced, resulting in depletion of the groundwater reservoir.

The additional withdrawal and consumption of underground water in excess of the natural recharge would, therefore, conflict with prior existing rights and threaten to prove detrimental to the public interest and welfare.

The granting of Application 47274 would serve to extend the cone of depression and would act to adversely affect prior existing rights.

RULING

Application 47274 is hereby denied on the grounds that granting it would increase the rate at which the cone of depression is expanding resulting in adverse effects on prior existing rights and, therefore, would be detrimental to the public interest and welfare.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/GB/dcb

Dated this 23rd day of

March, 1984.

FOOTNOTES

1. State Engineer's Order No. 408.
2. Water Resources Bulletin No. 39, p. 64.
3. Records in the office of the State Engineer--Crop Inventory, Paradise Valley.
4. See Applications 26874 through 26881, 27341 through 27368, 28362, 40826 and 40827.
5. Records in the office of the State Engineer--Water Level Measurements in Paradise Valley.
6. Water Resources Bulletin No. 39, p. 56, 57.
7. NRS 533.025 and NRS 533.030, subsection 1.
8. NRS 533.370, subsection 3.