

IN THE OFFICE OF THE STATE ENGINEER
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATIONS 56135)
AND 56136 FILED TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE IN)
THREE LAKES VALLEY (SOUTHERN PART))
(211), CLARK COUNTY, NEVADA.)

RULING

4177

GENERAL

I.

Application 56135 was filed by State of Nevada, Division of State Lands, Department of Prisons on April 2, 1991, to appropriate 3.0 c.f.s. of underground water for quasi-municipal (penal institution) purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 33, T.16S., R.57E., M.D.B.&M., and the place of use is within Sections 31, 32 and 33, T.16S., R.57E., M.D.B.&M. The annual duty requested under Applications 56135 is 319 million gallons annually (978.98 acre-feet annually) for use at the Indian Springs Prison.¹

II.

Application 56136 was filed on April 2, 1991 by State of Nevada, Division of State Lands, Department of Prisons to appropriate 3.0 c.f.s. of underground water for quasi-municipal (penal institution) purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33, T.16S., R.57E., M.D.B.&M. The place of use is within Sections 31, 32 and 33, T.16S., R.57E., M.D.B.&M. The annual duty requested under Application 56135 is 319 million gallons annually (978.98 acre-feet annually) for use at the Indian Springs Prison.²

¹Public record in the office of the State Engineer under 56135.

²Public records in the office of the State Engineer under 56136.

III.

On July 19, 1991, the United States Department of the Interior, National Park Service timely protested the granting of a permit under Applications 56135 and 56136 for the reasons stated on Exhibit A and specimen copy of protest and requested that the application be denied.³

IV.

The points of diversion of Applications 56135 and 56136 lie within the Three Lakes Valley (Southern part) Groundwater Basin.¹ The Three Lakes Valley (Southern part) Groundwater Basin is part of the Ash Meadows Groundwater System.⁴

FINDINGS OF FACT

I.

The State Engineer finds that Permit 38655 was issued on May 28, 1980 and Certificate 12656 was issued for Permit 38655 on February 22, 1991 for 0.4 c.f.s. but not to exceed 66.0 million gallons annually for use at the Southern Desert Correctional Center and Indian Springs Conservation Camp.⁵

II.

The State Engineer finds that Permit 42636 was issued on February 26, 1981 to change the point of diversion, manner and place of use of Permit 38656. Certificate 11635 was issued for Permit 42636 on December 29, 1986 for 0.28 c.f.s. but not to exceed

³The complete protests are filed in Applications 56135 and 56136.

⁴Water Resources Reconnaissance Series Report 54, Regional Ground-Water Systems in the Nevada Test Site Area, Nye, Lincoln, and Clark Counties, Nevada, by F. Eugene Rush, 1970, p. 9 Table 2 (hereinafter referred to as Water Resources Reconnaissance Review Report 54).

⁵Public record in the office of the State Engineer under 38655.

0.277 million gallons annually for use as the Southern Desert Correctional Center and Indian Springs Conservation Camp.⁶

III.

The State Engineer finds that Permit 55421 was issued on August 16, 1991 for 0.16 c.f.s. but not to exceed 37.74 million gallons annually. The total combined duty under Permit 38665, Certificate 12656; Permit 42636, Certificate 11635 and Permit 55421 shall not exceed 104.02 million gallons annually.⁷

IV.

The State Engineer finds that the estimated average annual recharge from precipitation in Three Lakes Valley (Southern part) is 6,000 acre-feet.⁸

V.

The State Engineer finds that the groundwater budget for the Ash Meadows and Pahute Mesa Regional Groundwater Systems has an estimated average annual groundwater recharge of 33,000 acre-feet and 12,000 acre-feet, respectively, and an estimated average annual groundwater discharge of 17,000 acre-feet and 9,000 acre-feet, respectively.⁹

VI.

The State Engineer issued Order No. 745 May 28, 1980, in regard to Three Lakes Valley (Southern part) as a basin in which conditions warranted additional administration.¹⁰

⁶Public record in the office of the State Engineer under 42636.

⁷Public records in the office of the State Engineer under 55421.

⁸Water Resources - Reconnaissance Review Report No. 54, Pg. 14, Table 3.

⁹Water Resources Reconnaissance Review Report No. 54, Pg. 18.

¹⁰Authority to designated preferred uses in a basin lies in NRS 534.120.

VII.

The State Engineer finds that other than those water rights set forth in Findings of Fact I., II. and III., there are no other permitted or certificated groundwater rights within this basin of record in the office of the State Engineer. Therefore, the State Engineer finds that unappropriated water exists at the source to satisfy the amount of water requested to be appropriated under Applications 56135 and 56136. The State Engineer further finds that no existing rights will be affected by the amount of water requested to be appropriated under Application 56135 and 56136.¹¹

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and the subject matter of this action.¹²

II.

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.¹³

III.

The State Engineer may declare preferred uses in the public interest within a designated groundwater basin.¹⁴

¹¹Records in the office of the State Engineer.

¹²NRS 533 and 534.

¹³NRS 533.370 Subsection 3.

¹⁴NRS 534.120, Subsection 2.

The State Engineer concludes that it is appropriate and in the public interest to declare penal institution's use a preferred use within the Three Lakes Ground Water Basin.

IV.

The amount of water requested for appropriation under Applications 56135 and 56136 in addition to the amount appropriated under previous permits is insignificant when compared to the estimated annual recharge of 6,000 acre-feet and the subsurface outflow to Death Valley. The State Engineer concludes that the approval of Applications 56135 and 56136 will not impair existing rights.

RULING

The protest of the National Park Service to the granting of Applications 56135 and 56136 is herewith overruled. Applications 56135 and 56136 will be approved with the following conditions:

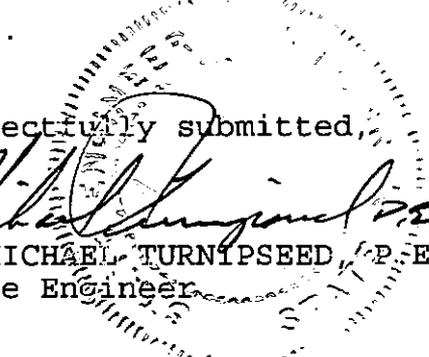
1. That quasi-municipal (penal institution) is a preferred use.
2. That a totalizing meter be installed near the point of diversion and monthly records be kept of the amount of water pumped and records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.
3. That the total combined duty of Permits 38665, Certificate 12656; Permit 42636, Certificate 11365, Permit 55421 and the permits issued under 56135 and 56136

shall not exceed 513.19 million gallons annually
(1,574.92 acre-feet annually).

Respectfully submitted,



R. MICHAEL TURNIPSEED, P.E.
State Engineer



RMT/HR/bk

Dated this 29th day of
March, 1995.