

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

IN THE MATTER OF APPLICATIONS 50397)
AND 50398 FILED TO CHANGE THE POINT)
OF DIVERSION AND PLACE OF USE OF A)
PORTION OF THE PUBLIC WATERS OF AN)
UNDERGROUND SOURCE PREVIOUSLY)
APPROPRIATED UNDER PERMIT 31122,)
WITHIN THE ANTELOPE VALLEY)
GROUNDWATER BASIN (093), AND LEMMON)
VALLEY GROUNDWATER BASIN (092B),)
WASHOE COUNTY, NEVADA.)

RULING

4672

GENERAL

I.

Application 50397 was filed on December 3, 1986, by Douglas Eugene Savoy, Trustee in Trust and Overseer of the International Community of Christ Church to change the point of diversion and the place of use of 0.135 cubic feet per second (cfs), not to exceed 31.83 million gallons annually (mga), a portion of the underground waters previously appropriated under Permit 31122. The proposed manner of use and place of use is for quasi-municipal and domestic purposes within portions of the NE¼ and the NE¼ SE¼ of Section 3, T.21N., R.19E., M.D.B. & M., portions of Section 35, T.22N., R.19E., M.D.B. & M., and portions of the SE¼ and the NE¼ of Section 34, T.22N., R.19E., M.D.B. & M. The existing point of diversion is described as being within the NW¼ NW¼ of Section 26, T.22N., R.19E., M.D.B. & M. The proposed point of diversion is described as being located within the SW¼ SW¼ of Section 35, T.22N., R.19E., M.D.B. & M.¹

II.

Application 50398 was filed on December 3, 1986, by Douglas Eugene Savoy, Trustee in Trust and Overseer of the International Community of Christ Church to change the point of diversion and the place of use of 0.135 cfs, not to exceed 31.83 mga, a portion of the underground waters previously appropriated under Permit 31122.

¹ File No. 50397, official records in the office of the State Engineer.

The proposed point of diversion is described as being located within the SE¼ SW¼ of Section 35, T.22N., R.19E., M.D.B.& M. The proposed place of use is identical to that described under Application 50397.²

FINDINGS OF FACT

I.

Permit 31122 was approved on October 26, 1977, to appropriate underground water from the Antelope Valley Groundwater Basin.³ Under the provisions of Nevada Revised Statute 533.330 a permit which requests an appropriation of water is limited to one source, to be used for no more than one purpose. The State Engineer finds the appropriation of water approved under Permit 31122 can only occur from the Antelope Valley Groundwater Basin.

II.

Applications 50397 and 50398 request a change in the point of diversion established under Permit 31122. Informal field investigations conducted by personnel from the office of the State Engineer confirmed that both of the proposed points of diversion described under the subject applications are located within the hydrographic boundaries of the Lemmon Valley Western Part Groundwater Basin.^{4,5} The State Engineer finds that the change in point of diversion requested by Applications 50397 and 50398 if approved would replace a portion of the appropriation of water that has occurred in the Antelope Valley Groundwater Basin under Permit 31122 with two new points of diversion located within the Lemmon

² File No. 50398, official records in the office of the State Engineer.

³ File No. 31122, official records in the office of the State Engineer.

⁴ File No. 50397, office memorandums dated May 19, 1989, and May 6, 1998, official records in the office of the State Engineer.

⁵ File No. 50398, office memorandum dated May 6, 1998, official records in the office of the State Engineer.

Valley Western Part Groundwater Basin and would represent a new appropriation of underground water from this basin.

III.

Formal hydrographical areas were established by the Nevada Division of Water Resources and the U.S. Geological Survey during the late 1960's to assist in the regulation and administration of the State's water resources. Currently, the State is divided into 232 separate hydrologic groundwater basins, each with a unique set of variables which define the basins' groundwater recharge and discharge relationship.⁶ Both the Lemmon Valley Groundwater Basin and the Antelope Valley Groundwater Basin are closed basins⁷ with no known hydrologic connection. When considering the approval or denial of an application to appropriate underground water, the State Engineer must take into account the degree of balance which exists between the basin's committed groundwater resource, in the form of permits and certificates issued to appropriate groundwater and its perennial yield.

The perennial yield of a hydrologic basin is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. The perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural recharge that can be salvaged for beneficial use. If the perennial yield is continually exceeded, groundwater levels will decline until the groundwater reservoir is depleted. Withdrawals of ground water in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage

⁶ Designated Groundwater Basins of Nevada Map, revised 1997, official records in the office of the State Engineer.

⁷ Closed basin refers to a basin with no known surface water or groundwater inflow or outflow. Therefore, the only water available for appropriation and capture by man must result from precipitation that falls within that basin's boundary.

depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of groundwater gradients which could result in significant changes in the recharge-discharge relationship.⁸

The United States Geological Survey estimates that the perennial yield of the Lemmon Valley Western Part Groundwater Basin is 1,500 acre-feet annually.⁹ The committed groundwater resource in the form of permits and certificates issued by the State Engineer's office for groundwater withdrawal from the Lemmon Valley Western Part Groundwater Basin currently exceeds 1,655 acre-feet annually.¹⁰

The State Engineer finds that the approval of any additional permits to appropriate water from the Lemmon Valley Western Part Groundwater Basin would contribute to the negative imbalance which currently exists between the committed resource and perennial yield of the basin adversely affecting existing rights.

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.¹¹

II.

The State Engineer is prohibited by law from granting a permit under an application to change the public waters where:¹²

⁸ State Engineer's Office, Water for Nevada, State of Nevada Water Planning Report No. 3, p. 13, October 1971.

⁹ Nowlin, Jon, Ground-water Quality in Nevada - A Proposed Monitoring Program, Open File Report 78-768, U.S.G.S., p. 195.

¹⁰ Special Hydrologic basin Abstract, Water Rights Database, August 31, 1998, official records in the office of the State Engineer.

¹¹ NRS § Chapter 533.

¹² NRS § 533.370(3).

- A. the proposed use conflicts with existing rights; or
- B. the proposed use threatens to prove detrimental to the public interest.

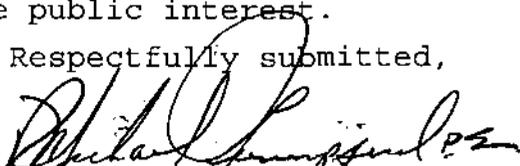
III.

A permit to appropriate the public waters of the State of Nevada is limited to a single source which is represented under Permit 31122 by the underground waters of the Antelope Valley Groundwater Basin. Applications 50397 and 50398 if approved would replace a portion of this appropriation with an appropriation of underground water from the adjacent Lemmon Valley Western Part Groundwater Basin. This change of an existing water right would constitute a new appropriation of water from the Lemmon Valley Western Part Groundwater Basin and further contribute to the negative imbalance which currently exists between the committed resource and perennial yield of the basin. The State Engineer concludes that the approval of an additional appropriation of underground water from a groundwater basin where the committed groundwater resource exceeds the perennial yield of the basin would adversely affect existing rights and threaten to prove detrimental to the public interest.

RULING

Applications 50397 and 50398 are hereby denied on the grounds that the granting thereof would adversely effect existing rights and be detrimental to the public interest.

Respectfully submitted,


R. MICHAEL TURNIPSEED, P.E.
State Engineer

RMT/MDB/cl

Dated this 28th day of
October, 1998.