

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

IN THE MATTER OF APPLICATION 65881 )  
FILED TO APPROPRIATE THE PUBLIC )  
WATERS OF AN UNDERGROUND SOURCE )  
WITHIN THE PATTERSON VALLEY )  
HYDROGRAPHIC BASIN, (202) LINCOLN )  
COUNTY, NEVADA. )

RULING

# 5045

GENERAL

I.

Application 65881 was filed on January 19, 2000, by Ruby Lister to appropriate 1.35 cubic feet per second (cfs) of underground water with no appropriation of duty. The intent is to combine Application 65881, for 1.35 cfs, with Permit 65639, for 0.9 cfs and 274.56 acre-feet annually (afa), resulting in a total combined diversion rate and duty of 2.25 cfs and 274.56 afa, respectively, for the irrigation of 68.64 acres of land that is described as being located within the SW $\frac{1}{4}$  NW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$  and the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 22, T.2N., R.67E., M.D.B.&M. The common proposed point of diversion of Applications 65639 and 65881 is described as being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 22.<sup>1&2</sup>

II.

Application 65881 was timely protested by the United States Department of Interior, National Park Service (NPS) on the following grounds:<sup>1</sup>

- A. there is no water available for appropriation;
- B. the approval and development of this application will impair the water rights of the United States; or
- C. the public interest would not be served by granting this application because it would impair the water related resources of the Lake Mead National Recreation Area.

<sup>1</sup> File No. 65881, official records in the office of the State Engineer.

<sup>2</sup> File No. 65639, official records in the office of the State Engineer.

**FINDINGS OF FACT**

**I.**

Every water right application that is submitted to the office of the State Engineer in its correct and complete form must state the purpose for which the application is filed. The remarks section of Application 65881 indicates that the purpose of the application is to increase the diversion rate for efficient operation of the irrigation pivot, and that no additional appropriation of water is being requested.<sup>1</sup> The State Engineer finds that Application 65881 does not request an additional appropriation of underground water from the Patterson Valley Hydrographic Basin.

**II.**

Application 65881 was protested by the NPS on the grounds that its approval would represent an additional appropriation of underground water from the Patterson Valley Hydrographic Basin. Since the approval of Application 65881 would not draw additional water from the groundwater basin, the State Engineer finds that the grounds of the NPS' protest can be dismissed.

**CONCLUSIONS**

**I.**

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>3</sup>

**II.**

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:<sup>4</sup>

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

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<sup>3</sup> NRS chapters 533 and 534.

<sup>4</sup> NRS § 533.370(3).

**III.**

The approval of Application 65881 would not create an additional appropriation of ground water from the Patterson Valley Hydrographic Basin. Therefore, the State Engineer concludes there is no need to evaluate the issues contained within the NPS' protest or determine the availability of unappropriated water at the source.

**IV.**

The State Engineer concludes that the approval of Application 65881 would not conflict with existing water rights, as it does not request an additional appropriation of water.

**V.**

Application 65881 seeks to increase the efficiency of the applicant's irrigation practices without creating an increase in the amount of ground water appropriated. The State Engineer concludes that the approval of Application 65881 would not threaten to prove detrimental to the public interest.

**RULING**

The protest to Application 65881 is hereby overruled and Application 65881 is hereby approved for a total combined diversion rate with Permit 65639 of 2.25 cfs for the irrigation of 68.64 acres within the described place of use, subject to the payment of the statutory permit fees and existing rights.

Respectfully submitted,



HUGH RICCI, P.E.

State Engineer

HR/RAD/hf

Dated this 18th day of  
July, 2001.