

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

IN THE MATTER OF APPLICATIONS 68024)
AND 68025 FILED TO APPROPRIATE)
THE PUBLIC WATERS OF AN UNDERGROUND)
SOURCE WITHIN THE ANTELOPE VALLEY)
HYDROGRAPHIC BASIN (106),)
DOUGLAS COUNTY, NEVADA.)

RULING

5128

GENERAL

I.

Application 68024 was filed on September 19, 2001, by Topaz Lodge, Inc., to appropriate 0.1 cubic feet per second (cfs) of underground water from the Antelope Valley Hydrographic Basin. The proposed manner and place of use is described as being for commercial purposes within portions of the SW $\frac{1}{4}$ of Section 29, T.10N., R.22E., M.D.B.&M., as outlined by the map supporting Permit 48040. The proposed point of diversion for Application 68024 is described as being located within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29.¹

II.

Application 68025 was filed on September 19, 2001, by Topaz Lodge, Inc., to appropriate 0.1 cfs of underground water from the Antelope Valley Hydrographic Basin. The proposed manner and place of use is described as being for commercial purposes within portions of the SW $\frac{1}{4}$ of Section 29, T.10N., R.22E., M.D.B.&M., as outlined by the map supporting Permit 48040. The proposed point of diversion for Application 68025 is described as being located within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 29.²

FINDINGS OF FACT

I.

The State Engineer finds that Applications 68024 and 68025 were filed to appropriate water from an underground source within

¹ File No. 68024, official records in the Office of the State Engineer.

² File No. 68025, official records in the Office of the State Engineer.

the Antelope Valley Hydrographic Basin, Douglas County, Nevada, as designated and described by State Engineer's Order No. 714 dated May 25, 1978.³

II.

The perennial yield of a groundwater reservoir may be defined as the maximum amount of ground water that can be salvaged each year over the long term without depleting the groundwater reservoir. Perennial yield is ultimately 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.⁴

Withdrawals of ground water in excess of the perennial yield may contribute to adverse conditions such as water quality degradation, storage 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. The United States Geological Survey estimates the perennial yield of the Antelope Valley Hydrographic Basin is approximately 2,600 acre-feet annually.⁵ The committed groundwater resource in the form of permits and certificates issued by the State Engineer to appropriate underground water from the Antelope Valley Hydrographic Basin currently exceeds 6,500 acre-feet annually.⁶ The State Engineer finds that existing groundwater rights in the Antelope Valley Hydrographic Basin exceed the perennial yield of the groundwater basin.

³ State Engineer's Order No. 714, dated May 25, 1978, official records in the Office of the State Engineer.

⁴ State Engineer's office, Water for Nevada, State of Nevada Water Planning Report No. 3, p. 13, Oct. 1971.

⁵ Id. at p. 20.

⁶ Hydrographic Basin Abstract, Water Rights Database, Basin 106, February 1, 2002.

III.

The State Engineer finds that in addition to the committed groundwater resource, senior applications to appropriate underground water in the Antelope Valley Hydrographic Basin exceed 2,800 acre-feet annually.⁷

CONCLUSIONS

I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.⁸

II.

The State Engineer is prohibited by law from granting an application to appropriate the public waters where:⁹

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

III.

The State Engineer concludes that, since the committed groundwater resource of the Antelope Valley Hydrographic Basin currently exceeds the estimated perennial yield, granting additional water rights from this limited groundwater resource would adversely affect existing rights and threaten to prove detrimental to the public interest.

⁷ Hydrographic Basin Abstract, Water Rights Database, Basin 106, February 1, 2002.

⁸ NRS chapters 533 and 534.

⁹ NRS § 533.370.

RULING

Applications 68024 and 68025 are hereby denied on the grounds that the granting of said applications for commercial use as applied for would tend to impair the value of existing rights and threaten to prove detrimental to the public interest.

Respectfully submitted,

A handwritten signature in cursive script that reads "Hugh Ricci, P.E.". The signature is written in dark ink and is positioned above the typed name and title.

HUGH RICCI, P.E.
State Engineer

HR/KC/jm

Dated this 6th day of
June, 2002.