

IN THE MATTER OF APPLICATIONS NOS.)
22948, 22949, 22950, 22951 AND)
22952 FILED ON FEBRUARY 2, 1966,)
BY CLARENCE A. LEWIS AND/OR)
CLARVID ARTHUR LEWIS TO APPROPRIATE)
WATER FROM AN UNDERGROUND SOURCE IN)
CLARK COUNTY, NEVADA (E $\frac{1}{2}$ OF SEC. 8,)
T. 14 S., R. 65 E., M.D.B. & M.))

R U L I N G

General:

2A
Clarence A. Lewis and/or Clarvid Arthur Lewis filed Applications Nos. 22948, 22949, 22950, 22951 and 22952 on February 2, 1966 to appropriate a combined total of 2.945 c.f.s. for a yearly total of 2,132.0 acre feet of water from an underground source in Clark County, Nevada, the point of diversion being more specifically described as being located in the E $\frac{1}{2}$ Section 8, Township 14 S., R. 65 E., M.D.B. & M.

The place of use under the five applications is within a portion of Section 5, Township 15 S., Range 66 E., M.D.B. & M.

The water applied for under the five applications is for the purpose of industrial (cooling).

Applications Nos. 22948, 22949, 22950 and 22952 were protested by the Muddy Valley Irrigation Company, Michael L. Hines and Francis Taylor. Application No. 22951 was protested by Michael L. Hines and Francis Taylor on the grounds to-wit:

(1) The applicant has sold and transferred all of his water rights to the Nevada Power Company and the use has been changed from agriculture to commercial. Thus, the applicant is not the real party in interest. Any increase in water will immediately be used for commercial purposes.

(2) Deeper pumping of the wells in question will dry up springs and seepages at the headwaters of the Muddy River and thus decrease the flow of the Muddy River. Historically, the waters of the Muddy River have been used for agricultural purposes. The granting of this application will adversely affect prior water rights held by protestant.

A formal hearing of the matter of Applications Nos. 22948, 22949, 22950, 22951 and 22952 was held on June 29, 1966

in Las Vegas, Nevada. The hearing was held in order to provide the Nevada Division of Water Resources with all the information now available in regard to what affect the granting of these applications will have on existing rights on the Moapa Valley and Muddy River Stream System. Present for the hearing were:

Samuel P. Cowley, Jr.	- Counsel for applicant
Rulon A. Earl	- Counsel for Muddy Valley Irrigation Company
Dallin Jensen	- Counsel for Muddy Valley Irrigation Company
Michael L. Hines	- In pro person and Counsel for Francis Taylor
George W. Hennen	- State Engineer
Roland D. Westergard	- Assistant State Engineer

The witnesses were:

Elmer F. Johnson, Dr. George B. Maxey, James S. Haworth, Hubert C. Lambert, Clarvid Arthur Lewis and William W. Marshall.

In addition to the decreed rights on the Muddy River Stream System (Muddy River Decree), there are certain ground water rights in the Upper Muddy River Valley totaling a diversion of 12.82 c.f.s., but limited to a yearly duty of 4417.6 acre feet, that are held by a protestant and others. They are Permits Nos. 11960, 11961, 12244, 12459, 12679, 13074, 18437, 21466, 22632, 22633, 22634, 22635 and 22636.

U.S.G.S. water resources data for Nevada for the location of their gage in Sec. 15, T. 14 S., R. 65 E. shows the following discharge in acre feet for the calendar years 1950 to 1966, inclusive:

1950	33,300	acre	feet
1951	34,070	"	"
1952	34,030	"	"
1953	33,250	"	"
1954	33,190	"	"
1955	33,960	"	"
1956	33,160	"	"
1957	35,800	"	"
1958	34,950	"	"
1959	36,030	"	"
1960	34,840	"	"
1961	32,250	"	"
1962	32,000	"	"
1963	32,760	"	"
1964	31,630	"	"
1965	31,330	"	"
1966	30,660	"	"

The ground water level in the area which is measured each month by the Division of Water Resources reflects the following:

<u>Well Location</u>	<u>Date of Measurement</u>	<u>Depth of Water</u>
NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, T. 14 S., R. 65 E.	12/30/64	3.91 ft.
	11/18/65	3.58 ft.
	11/9/66	3.08 ft.
	2/2/67	ground level
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, T. 14 S., R. 65 E.	7/30/64	29.33 ft.
	8/10/65	28.98 ft.
	8/16/66	29.95 ft.
	2/2/67	29.08 ft.
SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 9, T. 14 S., R. 65 E.	4/4/57	14.94 ft.
	11/18/65	17.54 ft.
	11/9/66	15.10 ft.
	2/2/67	16.85 ft.
	(Well just stopped pumping)	
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 8, T. 14 S., R. 65 E.	11/18/65	17.73 ft.
	11/9/66	15.44 ft.
	2/2/67	16.55 ft.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 23, T. 14 S., R. 65 E.	10/20/64	4.30 ft.
	11/18/65	2.08 ft.
	11/9/66	1.11 ft.
	2/7/67	flowing
SE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 9, T. 14 S., R. 65 E.	11/18/65	8.25 ft.
	11/9/66	8.50 ft.
	2/2/67	8.07 ft.
SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 15, T. 14 S., R. 65 E.	10/21/59	9.92 ft.
	11/16/62	8.55 ft.
	10/20/64	9.57 ft.
	11/18/65	8.74 ft.
	11/9/66	8.25 ft.
2/2/67	7.72 ft.	

Rock Cabin and Ash Grove Spring became dry in the calendar year of 1966 for the first time of record. 1/

1/ James S. Haworth and William W. Marshall

Opinion:

That under the terms of the agreement made and executed the 22nd day of April, 1963 between Clarvid Arthur Lewis and Lois Allen Lewis and the Nevada Power Company the applications were made in the proper name (Exhibit No. 1).

The decline and variation of the flow of water of the U.S.G.S. Gaging Station, located in Sec. 15, T. 14 S., R. 65 E. since 1961, is largely due to the following two factors: the time lag response of spring discharge to regional precipitation and consequent recharge of perhaps fifteen to twenty years 1/ and the diversion of approximately 1.00 c.f.s. of water being diverted around the gage by the Moapa Valley Water Company and Overton Water District.

The reason for the drying up of Rock Cabin and Ash Grove Springs is contributed mainly to the drilling and pumping of a well located in the Rock Cabin Spring, the concreting of ditches on the Francis Taylor Ranch and to some extent to the change of the manner of use of the water of Permits Nos. 12576, 12774, 14344, 14345 and 17754. 2/

To date the ground water table in the Upper Muddy River Valley has not been affected by the present pumping of wells located in the area.

R U L I N G

The protests to the granting of Applications Nos. 22948, 22949, 22950, 22951 and 22953 is overruled on the grounds that their granting will not impair the value of existing water rights or be otherwise detrimental to the public welfare.

Permits will be issued under Applications Nos. 22948, 22949, 22950, 22951 and 22952 subject to the following conditions. The water agreement made and entered into the 9th day of January, 1967 by and between the Muddy Valley Irrigation Company and the Nevada Power Company will be made part of the permits; the total acre feet of water granted from all five permits combined will be reduced from 2132.0 acre feet to 433 acre feet of water; the

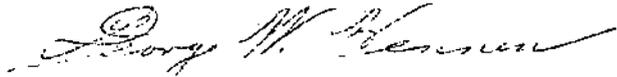
1/ Thomas E. Eakins and Donald O. Moore Professional Paper 1964 and C. B. Maxey, A. L. Mindling and P. A. Domenico, Report on Ground Water in Upper Muddy River Basin, Figure 5.

2/ James S. Haworth

maximum diversion at any one time shall not exceed 2.945 c.f.s. The Nevada Power Company shall be extended the right to divert 2.945 c.f.s. of water from any one point of diversion or from all points of diversion combined in any percentage proportionate of the 2.945 c.f.s. The permits will be subject to existing rights.

Permits will be issued under Applications Nos. 22948, 22949, 22950, 22951 and 22952 upon receipt of the statutory permit fees.

Respectfully submitted,


George W. Hennen

GWH:m

Dated this 3rd day
of March, 1967.