

IN THE MATTER OF APPLICATIONS 33660, 33661, 33780,)
33781, 33782, 33863, 33864, 33889, 33890, 36091,)
and 36092 FILED TO APPROPRIATE THE UNDERGROUND)
WATERS OF THE MUDDY RIVER SPRINGS AREA GROUNDWATER)
BASIN IN CLARK COUNTY, NEVADA)

R U L I N G 2524

219
33661

INTRODUCTION

Application 33660 was filed on September 19, 1977 by G.M. Perkins to appropriate 1.5 c.f.s. of the waters of an underground source to be diverted within the NW1/4NW1/4, Section 27, T.14S., R.65E., M.D.B. & M. and to be used for the irrigation of 200 acres within Sections 22 & 27, T.14S., R.65E., M.D.B. & M.

Application 33661 was filed on September 19, 1977 by G.M. Perkins to appropriate 1.5 c.f.s. of the waters of an underground source to be diverted within the NE1/4NE1/4, Section 27, T.14S., R.65E., M.D.B. & M. and to be used for the irrigation of 200 acres within Sections 22 & 27, T.14S., R.65E., M.D.B. & M.

Application 33780 was filed on September 23, 1977 by Paul John Galus to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4SE1/4, Section 22, T.14S., R.65E., M.D.B. & M. and to be used for the irrigation of 160 acres within the SE1/4, Section 22, T.14S., R.65E., M.D.B. & M.

Application 33781 was filed on September 23, 1977 by JoAnna Konys to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NW1/4NE1/4, Section 14, T.14S., R.65E., M.D.B. & M. and to be used for the irrigation of 160 acres within the NE1/4, Section 14, T.14S., R.65E., M.D.B. & M.

Application 33782 was filed on September 23, 1977 by Stephen J. Konys to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE1/4SE1/4, Section 10, T.14S., R.65E., M.D.B. & M. and to be used for the irrigation of 160 acres within the SE1/4, Section 10, T.14S., R.65E., M.D.B. & M.

Application 33862 was filed on September 28, 1977 by Joan M. Clements to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE1/4SE1/4, Section 17, T.14S., R.65E., M.D.B. & M. and to be used for the irrigation of 160 acres within the SE1/4, Section 17, T.14S., R.65E., M.D.B. & M.

Application 33863 was filed on September 28, 1977 by Johnny M. Cortez, III to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW1/4SE1/4, Section 11, T.14S., R.65E., M.D.B. & M. and to be used for the irrigation of 160 acres within the SE1/4, Section 11, T.14S., R.65E., M.D.B. & M.

P Application 33864 was filed on September 28, 1977 by Frances C. Galus to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 11, T.14S., R.65E., M.D.B. & M. and to be used for the irrigation of 160 acres within the SW $\frac{1}{4}$, Section 11, T.14S., R.65E., M.D.B. & M.

Application 33889 was filed on September 30, 1977 by Mel M. Grantham to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 1, T.14S., R.65E., M.D.B. & M. and to be used for the irrigation of 160 acres within the NW $\frac{1}{4}$, Section 1, T.14S., R.65E., M.D.B. & M. 205

P Application 33890 was filed on September 30, 1977 by Lyndsey D. Beeler to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3, T.14S., R.65E., M.D.B. & M. and to be used for the irrigation of 160 acres within the SE $\frac{1}{4}$, Section 3, T.14S., R.65E., M.D.B. & M.

Application 36091 was filed on October 24, 1978 by Kathy Anne Kostal to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, T.14S., R.65E., M.D.B. & M. and to be used for the irrigation of 20 acres within the E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 4, T.14S., R.65E., M.D.B. & M.

Application 36092 was filed on October 24, 1978 by Arthur Kostal to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, T.14S., R.65E., M.D.B. & M. and to be used for the irrigation of 20 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 4, T.14S., R.65E., M.D.B. & M.

Applications 33660, 33661, 33780, 33781, 33782, 33862, 33863, 33864, and 33890 were protested on March 13, 1979, by the Muddy Valley Irrigation Company on the following grounds:

1. The area where the applicant seeks permission to appropriate public water of the State of Nevada for the drilling of a well is a closed basin.
2. The granting of the application would adversely affect the decreed water rights of the Muddy Valley Irrigation Company.
3. The amount of water applied for is excessive.
4. There is no showing that the water applied for can be placed to beneficial use.

In 1964, Ground-Water Resources Reconnaissance Series Report 25, "Ground-Water Appraisal of Coyote Spring and Kane Spring Valleys and Muddy River Springs Area, Lincoln and Clark Counties, Nevada", by Thomas E. Eakin, was prepared cooperatively by the

Nevada Department of Conservation and Natural Resources, Division of Water Resources and the United States Department of the Interior, Geological Survey. This report is available in the State Engineer's Office.

FINDINGS OF FACT

I

The source of water to be used to reclaim land under these applications is water from an underground source within the Muddy River Springs Area. A portion of the Muddy River Springs Area was designated and described by Order of the State Engineer, dated July 14, 1971. 1/

II

Groundwater discharging from the springs that supply the Muddy River is derived largely from recharge to the Paleozoic carbonate rocks, and that the area of recharge includes several valleys along and adjacent to the White River channel to the north. 2/

III

The estimated average recharge from precipitation in the immediate area of the springs is negligible and indeed for the whole of Coyote Spring and Kane Spring Valleys and the Muddy River Springs Area is estimated to be only about 2,600 acre-feet. 3/

IV

Since 1964, the State Engineer has issued permits to appropriate an additional 1,540 acre-feet per year. Total existing groundwater rights in the Muddy River Springs Area amount to 6,500 acre-feet per year. 4/

V

Should additional water be allowed for appropriation for the reclamation of lands under these applications and subsequent development of groundwater pursuant thereto detrimentally affect prior groundwater rights, the State Engineer is required by law to order withdrawals be restricted to conform with priority rights. 5/

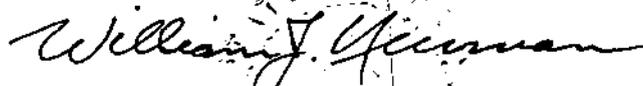
CONCLUSIONS

1. The State Engineer has jurisdiction under NRS 533.370. 6/
2. The State Engineer is prohibited by law from granting a permit where:
 - A. There is no unappropriated water at the source, or
 - B. The proposed use conflicts with existing rights, or
 - C. The proposed use threatens to prove detrimental to the public welfare. 7/
3. If the subject applications were granted, additional lands would be irrigated. This would result in additional consumptive use by farm land irrigation. The additional withdrawals and consumption would remove water from the groundwater reservoir which would not be replaced resulting in depletion of the groundwater reservoir, substantial water-level declines and land subsidence. The additional withdrawals and consumption of underground water would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

The protests to the granting of Applications 33660, 33661, 33780, 33781, 33782, 33862, 33863, 33864, and 33890 is hereby sustained and these applications along with Applications 33889, 36091, and 36092 are hereby denied on the grounds that their granting would tend to impair the value of existing rights and be otherwise detrimental to the public welfare.

Respectfully submitted,



William J. Newman
State Engineer

Dated this 18th day
of March, 1980.

TS:tn

FOOTNOTES

1. NRS 534.
2. Reconnaissance Series Report 25, pg. 1
3. Reconnaissance Series Report 25, pg. 25
4. Public records in the office of the State Engineer.
5. NRS 534.110, Subsection 3 and 6.
6. NRS 533.370.
7. NRS 533.370, Subsection 4.