

IN THE MATTER OF APPLICATIONS 35812 AND )  
36312 FILED TO APPROPRIATE THE WATERS OF ) R U L I N G  
AN UNDERGROUND SOURCE IN DIAMOND VALLEY, )  
EUREKA COUNTY, NEVADA )

GENERAL

Applications 35812 and 36312 were filed to appropriate water from an underground source in the Diamond Valley Ground Water Basin, Eureka County, Nevada.

In 1968, Water Resources Bulletin No. 35, "Hydrologic Response to Irrigation Pumping in Diamond Valley, Eureka and Elko Counties, Nevada, 1950-1965," was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the U.S. Department of the Interior, Geological Survey. This report may be viewed at the office of the State Engineer.

FINDINGS OF FACT

I

Application 35812 was filed by Jewelle G. and George Parman on August 24, 1978, to appropriate 5.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 5, T25N, R53E, MDB&M, and the place of use is 320 acres within the SW $\frac{1}{4}$ , SE $\frac{1}{4}$  NW $\frac{1}{4}$ , SW $\frac{1}{4}$  NE $\frac{1}{4}$ , W $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 5, T25N, R53E, MDB&M.

Application 36312 was filed by T. Milton Thompson on December 18, 1978, to appropriate 4.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 9, T24N, R54E, MDB&M, and the place of use is 240 acres within the S $\frac{1}{2}$  NE $\frac{1}{4}$ , N $\frac{1}{2}$  SE $\frac{1}{4}$  of Section 9; SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 10; NW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 15, all in T24N, R54E, MDB&M. 1/

II

Applications 35812 and 36312 were filed to appropriate water from an underground source within the Diamond Valley Ground Water Basin, Eureka County, Nevada, as designated and described by the Orders of the State Engineer issued August 5, 1964, and August 28, 1964. 2/

III

Notice of Curtailment of Water Appropriation within the Diamond Valley Ground Water Basin was issued by the Order of the State Engineer on December 22, 1975, Order No. 541. This order provides:

- "1. All applications filed to appropriate water from the Diamond Valley Ground Water Basin north of the South Boundary Line of Township 22 North, MDB&M will be considered for approval on an individual basis and on their own merits.

2. All applications filed to appropriate water for irrigation of additional lands within that portion of the designated area of Diamond Valley South of the South Boundary Line of Township 22 North MDB&M that have not had a previous water right lost through forfeiture will be denied.
3. All applications filed to appropriate water for irrigation purposes on lands in Diamond Valley that had a previous water right lost through forfeiture will be considered for approval on an individual basis and on their own merit." 3/

#### IV

Notice of Curtailment of Water Appropriation within the Diamond Valley Ground Water Basin was issued by Order of the State Engineer on July 10, 1978, Order No. 717. This order provides:

- "1. All applications filed after the date of this order to appropriate ground water for irrigation of lands within the Diamond Valley Ground Water Basin that have not had a previous water right lost through forfeiture will be denied.
2. All applications filed on or before December 31, 1978, to appropriate ground water for irrigation purposes on lands in Diamond Valley that had a previous water right lost through forfeiture will be considered for approval on an individual basis and on their own merits.
3. All applications filed after December 31, 1978, to appropriate ground water for irrigation purposes on any land within the Diamond Valley Ground Water Basin will be denied." 4/

#### V

Ground water recharge in the Diamond Valley area is derived primarily from precipitation which falls within the basin hydrologic boundaries. 5/ The perennial yield (the maximum amount of water of usable chemical quality that can be withdrawn and consumed economically each year for an indefinite period of time) is estimated to be 30,000 acre-feet. 6/

#### VI

The estimated consumption of ground water by irrigation within Diamond Valley for 1977 exceeded 30,000 acre-feet. 7/ The total existing rights to appropriate underground water in the Diamond Valley amounted to 147,924.75 acre-feet on May 17, 1982. 8/

### CONCLUSIONS

#### I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 9/

II

The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public welfare. 10/

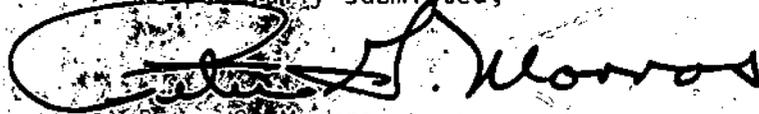
III

If Applications 35812 and 36312 are granted, additional withdrawals would be made on the ground water reservoir. The additional withdrawals and consumption would remove water from the ground water reservoir. The additional withdrawals and consumption of underground water for irrigation would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Applications 35812 and 36312 are herewith denied on the grounds that the appropriation of additional underground water for irrigation would tend to impair the value of existing rights and would be detrimental to the public interest and welfare within the Diamond Valley Ground Water Basin.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/GB/ja

Dated this 4th day  
of OCTOBER, 1982.

#### FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer.
3. Public records in the office of the State Engineer.
4. Public records in the office of the State Engineer.
5. Water Resources-Bulletin No. 35, pp. 23.
6. Water Resources-Bulletin No. 35, pp. 56.
7. Public records in the office of the State Engineer.
8. Public records in the office of the State Engineer.
9. NRS 533.025 and 533.030, subsection 1.
10. NRS 533.370, subsection 3.