

IN THE MATTER OF APPLICATIONS 40826 )  
AND 40827 FILED TO APPROPRIATE THE )  
WATERS OF AN UNDERGROUND SOURCE IN )  
PARADISE VALLEY, HUMBOLDT COUNTY, )  
NEVADA )

R U L I N G

INTRODUCTION

Water Resources Bulletin No. 39, "Effects of Ground-Water Development on the Regimen of Paradise Valley, Humboldt County, Nevada, 1948-1968, and Hydraulic Reconnaissance of the Tributary Areas", by J. R. Harrill and D. O. Moore, was prepared cooperatively by the Department of Conservation and Natural Resources and the U.S. Department of the Interior, Geological Survey.

Water Resources Bulletin No. 10, "Groundwater in Paradise Valley, Humboldt County, Nevada" by Omar J. Loeltz, David A. Phoenix and Thomas W. Robison was prepared cooperatively by the office of the State Engineer and the U.S. Department of the Interior, Geological Survey.

FINDINGS OF FACT

I

Application 40826 was filed on March 4, 1980, by Alvin Miller to appropriate 5.38 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$  NE $\frac{1}{4}$  Section 3, T.39N., R.39E., M.D.B.&M., and the place of use is 452.9 acres in the N $\frac{1}{2}$  of Section 3 and the NW $\frac{1}{4}$  of Section 2, all within T.39N., R.39E., M.D.B.&M.

Application 40827 was filed on March 4, 1980, by Triple T. Cattle Co., to appropriate 5.32 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 3, T.39N., R.39E., M.D.B.&M., and the place of use is 285.9 acres in the SE $\frac{1}{4}$  of Section 3 and a portion of the SW $\frac{1}{4}$  of Section 2, all within T.39N., R.39E., M.D.B.&M.

II

Application 40826 was timely protested on March 4, 1981, by Winnemucca Farms, Inc., on the following grounds:

"Water Resources Bulletin No. 39 estimates the groundwater recharge to be 40,000 acre-feet annually. Protestant (1) has recently had applications denied in T.39N., R.39E., M.D.B.&M., on the grounds that their granting would adversely affect prior existing rights within this area of concentration. (2) has substantial investment in agricultural utilization of certificated water rights in the same basin where applicant threatens to affect the water table already in question as referenced by prior Division of Water Resources denial and mention of Bulletin No. 39."

Application 40827 was timely protested on March 4, 1981, by Winne-mucca Farms, Inc., on the following grounds:

"Water Resources Bulletin No. 39 estimates the ground water recharge to be 40,000 acre-feet annually. Protestant (1) has recently had appli-cations denied in T.39N., R.39E., M.D.B.&M., on the grounds that their granting would adversely affect prior existing rights within this area of concentration. (2) has substantial investment in agricultural utilization of certificated water rights in the same basin where applicant threatens to affect the water table already in question as referenced by prior Division of Water Resources denial and mention of Bulletin No. 39."

### III

The State Engineer designated and described the Paradise Valley Ground Water Basin on October 22, 1971, as a basin in need of additional adminis-tration under the provisions of NRS Chapter 534. 1/

### IV

The estimate of the average annual ground water recharge in Paradise Valley is about 40,000 acre-feet per year. 2/

### V

Permitted and certificated rights for irrigation purposes with priorities earlier than October 8, 1976 have been issued which could result in the withdrawal of more than 69,000 acre-feet of ground water on an annual basis.

Crop inventories have been maintained periodically since 1974 in the Paradise Valley ground water basin. 3/

The 1978 Crop Inventory estimated that more than 80,000 acre-feet of water was pumped from the ground water reservoir. This total includes ground water used to supplement surface rights. 3/

The 1981 Crop Inventory estimated that more than 85,000 acre-feet of water was pumped from the ground water reservoir. This total includes ground water used to supplement surface rights. 3/

The 1982 Fall Crop Inventory estimated that pumpage was approximately 75,000 acre-feet from the ground water reservoir. This total includes ground water used to supplement surface rights. 3/

Prior applications to appropriate water in the concentrated area of Paradise Valley have been denied. 4/

A cone of depression has developed in the area of wells being pumped for irrigation purposes under existing rights South of the centerline of Township 39 North M.D.B.&M. Records show that this cone of depression is increasing and its area of influence has been moving in a northeasterly and easterly direction from its approximate center which was located in Township 38 North Range 38 East M.D.B.&M., in March, 1983. 5/

EXCERPT

Ground water level contour 4310 has moved 3 miles North since the Spring of 1968 because of the heavy pumping in the South end of Paradise Valley.

The proposed points of diversion of Applications 40826 and 40827 are located in the South portion of the Valley and the water table in this area has declined since 1968.

Further, these wells are located in an area where the potential recharge from runoff is limited as is indicated by Table 10 in "Water Resources Bulletin 39". 6/

### CONCLUSIONS

#### I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 7/

There is evidence of declining water tables in the areas of concentrated development. 5/

#### II

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

- A. There is no unappropriated water in the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public interest and welfare. 8/

#### III

If Applications 40826 and 40827 were granted, additional withdrawal and consumption would remove water from the ground water reservoir which would not be replaced, resulting in depletion of the ground water reservoir.

The additional withdrawal and consumption of underground water in excess of the natural recharge would, therefore, conflict with prior existing rights and threaten to prove detrimental to the public interest and welfare.



FOOTNOTES

1. State Engineer's Order No. 408.
2. Water Resources Bulletin No. 39, p. 64.
3. Records in the office of the State Engineer - Crop Inventory, Paradise Valley.
4. See Applications 26874 through 26881, 27341 through 27368, and 28362.
5. Records in the office of the State Engineer - Water Level Measurements in Paradise Valley.
6. Water Resources Bulletin No. 39, p. 56, 57.
7. NRS 533.025 and NRS 533.030, subsection 1.
8. NRS 533.370, subsection 3.