

IN THE MATTER OF APPLICATIONS 36698,)
37567, 37568, 38857, 40389, 40456,)
40846, 40982, 42407, 42534, 43155,)
45946 AND 46128, FILED TO APPROPRIATE)
UNDERGROUND WATER IN PANACA VALLEY,)
LINCOLN COUNTY, NEVADA.)

R U L I N G

INTRODUCTION

Applications 36698, 37567, 37568, 38857, 40389, 40456, 40846, 40982, 42407, 42534, 43155, 45946 and 46128 were filed to appropriate water from an underground source in Panaca Valley, Lincoln County, Nevada.

Water Resources Reconnaissance Series Report 27, "Ground-Water Appraisal of the Meadow Valley Area, Lincoln and Clark Counties, Nevada", by F. Eugene Rush, geologist, 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 is available for review in the office of the State Engineer.

Water Resources Bulletin No. 7, "Geology and Ground Water in the Meadow Valley Wash Drainage Area Nevada, Above the Vicinity of Caliente," by David A. Phoenix and others, was prepared cooperatively by the State of Nevada office of the State Engineer and the U.S. Department of the Interior, Geological Survey. This report is available for review in the office of the State Engineer.

Panaca Valley is one of eight valleys in southeastern Nevada which are all a part of the Colorado River drainage system known as the Meadow Valley Area.

FINDINGS OF FACT

I

Application 36698 was filed by Daniel A. Love on February 12, 1979 to appropriate 5.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 24, T. 2 S., R. 67 E., M.D.B.&M., and the place of use is 200 acres within the S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 24, T. 2 S., R. 67 E., M.D.B.&M.

Application 37567 was filed by Winnie Dean LaFortune on April 2, 1979 to appropriate 5.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T. 3 S., R. 67 E., M.D.B.&M., and the place of use is 100 acres within the SW $\frac{1}{4}$ of Section 12, T. 3 S., R. 67 E., M.D.B.&M.

Application 37568 was filed by Mark Judson Hines on April 2, 1979 to appropriate 5.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, T. 3 S., R. 67 E., M.D.B.&M., and the place of use is 160 acres within the NW $\frac{1}{4}$ of Section 12, T. 3 S., R. 67 E., M.D.B.&M.

Application 38857 was filed by Don Scott and Marcia P. Wadsworth on August 23, 1979 to appropriate 4.2 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 18, T. 2 S., R. 68 E., M.D.B.&M., and the place of use is 200 acres within the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 20, E $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, T. 2 S., R. 68 E., M.D.B.&M.

Application 40389 was filed by Leo A. Stevens on January 23, 1980 to appropriate 4.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, T. 2 S., R. 68 E., M.D.B.&M., and the place of use is 200 acres within the SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 20, T. 2 S., R. 68 E., M.D.B.&M.

Application 40456 was filed by John M. or Margaret A. Wadsworth on February 4, 1980 to appropriate 4.5 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 17, T. 2 S., R. 68 E., M.D.B.&M., and the place of use is 260 acres within the W $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, N $\frac{1}{2}$ NW $\frac{1}{4}$ Section 21, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 20, T. 2 S., R. 68 E., M.D.B.&M.

Application 40846 was filed by William M. and Eloise J. White on March 7, 1980 to appropriate 1.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T. 2 S., R. 68 E., M.D.B.&M., and the place of use is 40 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, and the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 4, T. 2 S., R. 68 E., M.D.B.&M.

Application 40982 was filed by Don Scott and Marcia P. Wadsworth on March 31, 1980 to appropriate 3.6 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, T. 2 S., R. 68 E., M.D.B.&M., and the place of use is 160 acres within the SW $\frac{1}{4}$ of Section 20, T. 2 S., R. 68 E., M.D.B.&M.

Application 42407 was filed by Richard and LaRue Prince on September 10, 1980 to appropriate 1.0 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T. 2 S., R. 68 E., M.D.B.&M., and the place of use is 20 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 9, SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 5, T. 2 S., R. 68 E., M.D.B.&M.

Application 42534 was filed by Dean and Merlene Sonnenberg on September 26, 1980 to appropriate 0.25 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T. 2 S., R. 68 E., M.D.B.&M., and the place of use is 40 acres within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 8, T. 2 S., R. 68 E., M.D.B.&M.

Application 43155 was filed by Alfred H. and Lorrell G. Louchard on January 28, 1981 to appropriate 0.33 c.f.s. of underground water for irrigation purposes. The point of diversion is within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T. 3 S., R. 67 E., M.D.B.&M., and the place of use is 10 acres within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T. 3 S., R. 67 E., M.D.B.&M.

Application 45946 was filed by Lavette M. Tennille on July 16, 1982 to appropriate 3.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 2 S., R. 67 E., M.D.B.&M., and the place of use is 200 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 26, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, T. 2 S., R. 67 E., M.D.B.&M.

Application 46128 was filed by Stan Gaffin on September 8, 1982 to appropriate 1.0 c.f.s. of underground water for irrigation purposes. The point of diversion is within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T. 2 S., R. 68 E., M.D.B.&M., and the place of use is 40 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 9, T. 2 S., R. 68 E., M.D.B.&M. 1/

II

Applications 36698, 37567, 37568 and 45946 are on lands associated with the Carey Act or the Desert Land Entry Act and as such fall within the priority as specified in NRS 533.357. 2/

III

By Order dated January 17, 1980, the State Engineer designated and described the Panaca Valley Ground Water Basin as a groundwater basin in need of additional administration under the provisions of NRS 534. 3/

IV

The Panaca Valley is part of a drainage system which includes seven other basins. The basins in this drainage system include Patterson, Spring, Eagle, Dry, Rose, Panaca, Clover, and Lower Meadow Valley. These basins in downstream order are hydrologically interrelated and therefore development of the groundwater resource in one valley may intercept the supply of water that would reach the next valley down gradient. Therefore, consideration is given to the perennial yield of the entire drainage area. The preliminary perennial yield of the area is considered to be approximately 25,000 acre-feet. 4/

V

Existing certified and permitted ground water rights in the Panaca Valley Ground Water Basin total over 28,000 acre-feet per year. The existing certified and permitted ground water rights in Patterson, Spring, Eagle, Dry, Rose, Clover Valley, and Lower Meadow Valley Wash total over 28,000 acre-feet per year. Thus the total existing water rights in the drainage system exceed 50,000 acre-feet per year. 5/

VI

The perennial yield of a ground water reservoir may be defined as the maximum amount of water of useable chemical quality that can be withdrawn and consumed economically each year for an indefinite period of time. If the perennial yield is continually exceeded, water levels will decline until the ground water reservoir is depleted of water of usable quality or until the pumping lifts become uneconomical to maintain. 6/

VII

Ground water pumpage within Panaca Valley amounted to an estimated total of 13,552 acre-feet in 1982 determined by pumpage inventories conducted by the office of the State Engineer. 7/

VIII

Ground water levels measured in six monitor wells within the basin have experienced declines during the period 1968 to 1983. 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 36698, 37567, 37568, 38857, 40389, 40456, 40846, 40982, 42407, 42534, 43155, 45946 and 46128 are granted, additional land would be irrigated. This would result in additional consumptive use by farm land irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which would not be replaced, resulting in depletion of the ground water reservoir, or would be replaced by infiltrating surface water that would otherwise serve existing rights.

Additional withdrawal and consumption of the groundwater resource would contribute detrimentally to an existing condition of declining groundwater levels within the basin.

The 13 applications to irrigate 1750 acres would require an appropriation of as much as 8,750 acre-feet of ground water annually.

This additional withdrawal and consumption of underground water for irrigation would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Applications 36698, 37567, 37568, 38857, 40389, 40456, 40846, 40982, 42407, 42534, 43155, 45946 and 46128 are herewith denied on the grounds that this appropriation of underground water for the irrigation of additional lands would tend to impair the value of existing rights and would be detrimental to the public interest and welfare within the Panaca Valley Ground Water Basin. The irrigation of additional lands within the Panaca Valley Ground Water under these conditions is not considered to be a preferred use of the limited resource as provided under NRS Chapter 534.

Respectfully submitted,



PETER G. MORROS,
State Engineer

PGM/GB/br

DATED: This 27th day of
February, 1984.

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. Water Resources-Reconnaissance Series Report 27, page 26.
5. Public records in the office of the State Engineer.
6. Water Supply Paper 1832, Page 39, U.S. Geological Survey, NRS 534.110(4).
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 NRS 533.030, Subsection 1.
10. NRS 533.370, subsection 3.