

IN THE MATTER OF APPLICATIONS)
33067, 33068, 33069, 33070, 33071,)
33072, 34287, 34396, 34397, 34398,)
34581, 34582, 34583, 34584, 35198,)
35199, 35200, 35201, 37207, 37208,)
37215, 37253, 38556, 38557 AND)
40268 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE IN COYOTE SPRING VALLEY,)
CLARK AND LINCOLN COUNTIES, NEVADA.)

RULING

GENERAL

I.

Application 33067¹ was filed on August 8, 1977, by Doris Conger to appropriate 2.5 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the W1/2 NE1/4 and N1/2 SE1/4 Section 23, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 23, T.13S., R.63E., M.D.B.&M.

Application 33068¹ was filed on August 8, 1977, by Ernest R. Conger to appropriate 2.5 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the W1/2 NW1/4 Section 24, E1/2 NE1/4 Section 23, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 23, T.13S., R.63E., M.D.B.&M.

Application 33069¹ was filed on August 8, 1977, by Malcom Lee Lewis to appropriate 2.5 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SW1/4 SE1/4 Section 11, N1/2 NE1/4, SE1/4 NE1/4 Section 14, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 11, T.13S., R.63E., M.D.B.&M.

Application 33070¹ was filed on August 8, 1977, by Lois Lewis to appropriate 2.5 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the N1/2 SE1/4, NE1/4 SW1/4 and SE1/4 SE1/4 Section 14, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 14, T.13S., R.63E., M.D.B.&M.

¹ Public records in the office of the State Engineer.

Application 33071¹ was filed on August 8, 1977, by Clarvid A. Lewis to appropriate 2.5 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SW1/4 SE1/4, S1/2 SW1/4, NW1/4 SW1/4 Section 14, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 14, T.13S., R.63E., M.D.B.&M.

Application 33072¹ was filed on August 8, 1977, by Barbara Lewis to appropriate 2.5 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the S1/2 NW1/4, SW1/4 NE1/4 and NE1/4 NW1/4 Section 14, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 14, T.13S., R.63E., M.D.B.&M.

Application 34287¹ was filed on October 18, 1977, by Herman Britz to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the SW1/4 NE1/4 Section 23, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 23, T.13S., R.63E., M.D.B.&M.

Application 34396¹ was filed on October 25, 1977, by David Paul Fuller to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the NE1/4 NE1/4 Section 26, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 26, T.13S., R.63E., M.D.B.&M.

Application 34397¹ was filed on October 25, 1977, by Leonie M. Fuller to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the NW1/4 SE1/4 Section 26, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 26, T.13S., R.63E., M.D.B.&M.

Application 34398¹ was filed on October 25, 1977, by Vera L. Holton to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the SE1/4 SE1/4 Section 23, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 23, T.13S., R.63E., M.D.B.&M.

Application 34581¹ was filed on November 7, 1977, by Rita T. Chabafy to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the NE1/4 SW1/4 Section 8, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 8, T.13S., R.63E., M.D.B.&M.

Application 34582¹ was filed on November 7, 1977, by Hubert S. Szanto to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the NW1/4 Section 17, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 17, T.13S., R.63E., M.D.B.&M.

Application 34583¹ was filed on November 7, 1977, by Attila M. Chabafy to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the SE1/4 Section 8, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 8, T.13S., R.63E., M.D.B.&M.

Application 34584¹ was filed on November 7, 1977, by Francis K. Parker to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the NE1/4 Section 17, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 17, T.13S., R.63E., M.D.B.&M.

Application 35198¹ was filed on March 20, 1978, by Melvin R. Lallement to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the NW1/4 NE1/4 Section 8, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 8, T.13S., R.63E., M.D.B.&M.

Application 35199¹ was filed on March 20, 1978, by Margaret B. Hopper to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the SE1/4 SW1/4 Section 5, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 5, T.13S., R.63E., M.D.B.&M.

Application 35200¹ was filed on March 20, 1978, by Grace M. Lallement to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the SW1/4 SE1/4 Section 5, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 5, T.13S., R.63E., M.D.B.&M.

Application 35201¹ was filed on March 20, 1978, by Graciabel H. Lallement to appropriate 2.7 c.f.s. of water from an underground source for irrigation and domestic purposes on 20 acres of land within the NE1/4 NW1/4 Section 8, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 8, T.13S., R.63E., M.D.B.&M.

Application 37207¹ was filed on March 26, 1979, by Daniel Earl to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the NE1/4 Section 25, SE1/4 Section 24, T.11S., R.62E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 24, T.11S., R.62E., M.D.B.&M.

Application 37208¹ was filed on March 26, 1979, by Lorna Earl to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the E1/2 SE1/4 Section 13, E1/2 NE1/4 Section 24 and NE1/4 Section 13, T.11S., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 13, T.11S., R.62E., M.D.B.&M.

Application 37215¹ was filed on March 26, 1979, by Kenneth Joseph to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 300 acres of land within the SE1/4 SW1/4, SW1/4 NE1/4 SW1/4, W1/2 SW1/4, SW1/4 NW1/4, SW1/4 NW1/4 NW1/4 Section 24; N1/2 NW1/4 NW1/4 Section 25; E1/2 SE1/4, E1/2 NW1/4 SE1/4 Section 23, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 23, T.13S., R.63E., M.D.B.&M.

Application 37253¹ was filed on March 27, 1979, by Maria Leavitt to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the SE1/4 NW1/4, W1/2 NW1/4 Section 31, T.11S., R.63E.; W1/2 SE1/4 Section 30, E1/2 SE1/4 Section 25, T.11S., R.62E. and NW1/4 NW1/4 Section 30, T.11S., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 25, T.11S., R.62E., M.D.B.&M.

Application 38556¹ was filed on July 16, 1979, by Kathy S. Leavitt to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the W1/2 W1/2 NE1/4, E1/2 NW1/4 Section 11; E1/2 SW1/4, E1/2 W1/2 SW1/4, S1/2 NW1/4 Section 2, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 2, T.13S., R.63E., M.D.B.&M.

Application 38557¹ was filed on July 16, 1979, by Earl Leavitt to appropriate 2.9 c.f.s. of water from an underground source for irrigation purposes on 160 acres of land within the NE1/4 Section 23, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 23, T.13S., R.63E., M.D.B.&M.

Application 40268¹ was filed on January 8, 1980, by Earl Leavitt to appropriate 2.9 c.f.s. of water from an underground source for irrigation purposes on 160 acres of land within the E1/2 W1/2 Section 14, T.13S., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 14, T.13S., R.63E., M.D.B.&M.

II.

Ground-Water Resources - Reconnaissance Series Report 25 titled "Ground-Water Appraisal of the Coyote Spring and Kane Spring Valleys, and Muddy River Springs Area, Lincoln and Clark Counties, Nevada", was prepared cooperatively by the Geological Survey, U.S. Department of Interior and State of Nevada, Department of Conservation and Natural Resources.

Water Resources - Bulletin No. 33 titled "A Regional Interbasin Ground Water System in the White River Area, Southeastern Nevada", was prepared cooperatively by the Geological Survey, U.S. Department of Interior, and State of Nevada, Department of Conservation and Natural Resources.

FINDINGS

I.

Coyote Spring Valley ground water basin is part of a regional interbasin ground water system in the White River Area of Southeastern Nevada. The terminus of this system is the Muddy River Springs which are the headwaters of the Muddy River.² Irrigation utilizing the Muddy River extends from the vicinity of the springs to within about a mile of Lake Mead. Decreed rights of the Muddy River provide for an irrigation supply of 500 acres of land in upper Moapa Valley plus about 87 acres within the Indian Reservation. For the Lower Moapa Valley, the decree provides for irrigation of 2,670 acres in the summer and 4,541.56 acres in the winter season. Other uses include industrial and public water supply and wildlife management.³

II.

The recharge from precipitation within Coyote Spring Valley contributes to the flow of Muddy River Springs. The contribution of the recharge from Coyote Spring and Kane Spring Valleys to the Muddy River Springs flow is estimated to be 2,000 acre-feet per year.²

² Water Resources Bulletin No. 33.

³ Ground Water Resources - Reconnaissance Series Report 25.
Public records in the office of the State Engineer.

III.

Natural discharge from the Muddy River Springs area is estimated to be on the order of 36,000 acre-feet a year. The estimated average annual recharge from precipitation in the immediate drainage area of the springs is negligible and indeed for the whole of Coyote Spring and Kane Spring Valleys and Muddy River Springs area is estimated to be only about 2,600 acre-feet. The source of most of the discharge of the Muddy River Springs is considered to be from valleys upgradient from the springs and hydrologically connected with them. These include the valleys along the White River channel and adjacent valleys that are ground water tributaries to them. Although not demonstrated as yet, allowance must be made for a possible contribution to the springs from the ground water system in carbonate rocks within the Meadow Valley drainage area.

As a substantial part of the natural discharge of the region is concentrated in the Muddy River Springs area, the discharge of the springs closely approximates the long-time perennial yield of the regional ground water system.³

Total existing underground rights within Coyote Spring Valley, Kane Spring Valley and the Muddy River Springs area presently exceed 2,500 acre-feet per year.³

IV.

The depth to the main body of ground water in the valley fill within Coyote Spring Valley is probably 300 feet or more, as indicated by an exploratory well and a stock well in the northern and southern parts of the valley.³

V.

Information available¹ to the State Engineer indicates that Applications 33067, 33068, 33069, 33070, 33071, 33072, 34287, 34396, 34397, 34398, 34581, 34582, 34583, 34584, 35198, 35199, 35200 and 35201 were filed in support of Carey Act Applications. Applications 37207, 37208, 37215, 37253, 38556, 38557 and 40268 were filed in support of Desert Land Entry Applications. NRS 533.357 establishes the order of priority the State Engineer must consider in acting on applications for irrigation use within the same basin.

VI.

The place of use under Applications 37207 and 37208 cover a portion of lands under private ownership and a portion that are public lands. The place of use under Applications 37215 and 37253 is public land.

VII.

The approval of Applications 33067, 33068, 33069, 33070, 33071, 33072, 34287, 34396, 34397, 34398, 34581, 34582, 34583, 34584, 35198, 35199, 35200, 35201, 37207, 37208, 37215, 37253, 38556, 38557 and 40268 would authorize the additional withdrawal of 15,600 acre-feet of ground water which would substantially exceed the estimated recharge of the ground water basin.

VIII.

The approval of Applications 33067, 33068, 33069, 33070, 33071, 33072, 34287, 34396, 34397, 34398, 34581, 34582, 34583, 34584, 35198, 35199, 35200, 35201, 37207, 37208, 37215, 37253, 38556, 38557 and 40268 would authorize the additional withdrawal of 15,600 acre-feet of ground water upgradient from the Muddy River Spring area.

IX.

The present ground water levels within the basin exceed approximately 300 feet below the ground surface. A pumping lift of 300 feet is not an economical pumping lift for irrigation use.⁴

CONCLUSIONS

I.

The State Engineer has jurisdiction under the provisions of NRS Chapters 533 and 534.

II.

The State Engineer is prohibited by law⁵ from granting a permit where:

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

⁴ NRS 534.110.

⁵ NRS 533.370.

III.

The granting of permits under Applications 33067, 33068, 33069, 33070, 33071, 33072, 34287, 34396, 34397, 34398, 34581, 34582, 34583, 34584, 35198, 35199, 35200, 35201, 37207, 37208, 37215, 37253, 38556, 38557 and 40268 would result in the withdrawal of substantial amounts of ground water in excess of the recharge of the ground water basin system and would therefore adversely affect existing rights and be detrimental to the public interest and welfare. Also the approval of water rights for irrigation where pumping lifts are not economical, would not be in the public interest and welfare.

RULING

Applications 33067, 33068, 33069, 33070, 33071, 33072, 34287, 34396, 34397, 34398, 34581, 34582, 34583, 34584, 35198, 35199, 35200, 35201, 37207, 37208, 37215, 37253, 38556, 38557 and 40268 are herewith denied on the grounds that the granting thereof would adversely affect existing rights and would be detrimental to the public interest and welfare.

Respectfully submitted,


Peter G. Morros
State Engineer

PGM/bl

Dated this 19th day of
APRIL, 1984.