

IN THE MATTER OF APPLICATIONS)
32396, 32397, 36607, 37322, 37323,)
37536, 37639, 37640, 37641, 40204)
THROUGH 40244, INCLUSIVE, 40246,)
40248, 40249, 40378, 40379, 40382,)
40383, 40385, 40386, 40388, 41105)
AND 44700 LOCATED IN CLOVER VALLEY)
GROUND WATER BASIN, ELKO COUNTY,)
NEVADA.)

RULING

GENERAL

Application 32396 was filed on June 29, 1977, by Dennis Dale Remington and Katherine Di Salvo Remington to appropriate 6.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 240 acres of land within the N1/2 Section 10, T.36N., R.62E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 10, T.36N., R.62E., M.D.B.&M.¹

Application 32397 was filed on June 29, 1977, by Dennis Dale Remington and Katherine Di Salvo Remington to appropriate 6.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 240 acres of land within the N1/2 Section 10, T.36N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 10, T.36N., R.62E., M.D.B.&M.¹

Application 36607 was filed on February 2, 1979, by A.E. Apple to appropriate 6.0 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the E1/2 Section 36, T.35N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 36, T.35N., R.62E., M.D.B.&M.¹

Application 37322 was filed on March 29, 1979, by James A. Taylor to appropriate 6.0 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the E1/2 Section 10 and the NW1/4 Section 14, T.35N., R.62E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 10, T.35N., R.62E., M.D.B.&M.¹

Application 37323 was filed on March 29, 1979, by R. Peter Taylor to appropriate 6.0 c.f.s. of water from an underground source for irrigation purposes on 360 acres of land within the E1/2 and SE1/4 NW1/4 Section 14, T.35N., R.62E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 14, T.35N., R.62E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer.

Application 37536 was filed on April 2, 1979, by Richard C. Reichel to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S1/2 Section 16, T.32N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 16, T.32N., R.62E., M.D.B.&M. Application 37536 was assigned to John A. Reichel on January 11, 1980.¹

Application 37639 was filed on April 3, 1979, by John A. Reichel to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 Section 9, T.32N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 9, T.32N., R.62E., M.D.B.&M.¹

Application 37640 was filed on April 3, 1979, by John J. Reichel to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the S1/2 Section 9, T.32N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 9, T.32N., R.62E., M.D.B.&M. Application 37460 was assigned to John A. Reichel on January 11, 1980.¹

Application 37641 was filed on April 3, 1979, by Gladys M. Reichel to appropriate 5.4 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the N1/2 Section 16, T.32N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 16, T.32N., R.62E., M.D.B.&M. Application 37641 was assigned to John A. Reichel on January 11, 1980.¹

Application 40204 was filed on January 4, 1980, by Douglas R. Calvert to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 16, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 16, T.33N., R.63E., M.D.B.&M.¹

Application 40205 was filed on January 4, 1980, by Debbie Smith to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 32, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 32, T.33N., R.63E., M.D.B.&M.¹

Application 40206 was filed on January 4, 1980, by Joseph W. Smith to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the SW1/4 Section 15 and NW1/4 Section 22, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 15, T.33N., R.63E., M.D.B.&M.¹

Application 40207 was filed on January 4, 1980, by Beth P. Smith to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the SW1/4 Section 22 and NW1/4 Section 27, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 22, T.33N., R.63E., M.D.B.&M.¹

Application 40208 was filed on January 4, 1980, by Steven J. Smith to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 28, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 28, T.33N., R.63E., M.D.B.&M.¹

Application 40209 was filed on January 4, 1980, by Raquel H. Smith to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 21, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 21, T.33N., R.63E., M.D.B.&M.¹

Application 40210 was filed on January 4, 1980, by James K. Wilson to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 21, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 21, T.33N., R.63E., M.D.B.&M.¹

Application 40211 was filed on January 4, 1980, by Katherine S. Wilson to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 20, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 20, T.33N., R.63E., M.D.B.&M.¹

Application 40212 was filed on January 4, 1980, by Marianne Howard to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 29, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 29, T.33N., R.63E., M.D.B.&M.¹

Application 40213 was filed on January 4, 1980, by J. Paul Howard to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 29, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 29, T.33N., R. 63 E., M.D.B.&M.¹

Application 40214 was filed on January 4, 1980, by Norene Calvert to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 16, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 16, T.33N., R.63E., M.D.B.&M.¹

Application 40215 was filed on January 4, 1980, by Jolene Jensen to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 31, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 31, T.33N., R.63E., M.D.B.&M.¹

Application 40216 was filed on January 4, 1980, by Richard A. Jensen to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 36, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 36, T.33N., R.62E., M.D.B.&M.¹

Application 40217 was filed on January 4, 1980, by David Gary Carroll to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 13, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SE1/4 Section 13, T.33N., R.62E., M.D.B.&M.¹

Application 40218 was filed on January 4, 1980, by Thomas J. Riding to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the SW1/4 Section 10 and NW1/4 Section 15, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 10, T.33N., R.63E., M.D.B.&M.¹

Application 40219 was filed on January 4, 1980, by Velda H. Riding to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 17, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 17, T.33N., R.63E., M.D.B.&M.¹

Application 40220 was filed on January 4, 1980, by Ethel J. Whiting to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 14, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 14, T.33N., R.62E., M.D.B.&M.¹

Application 40221 was filed on January 4, 1980, by Wallace D. Whiting to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 14, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 14, T.33N., R.62E., M.D.B.&M.¹

Application 40222 was filed on January 4, 1980, by Ann T. Carrol to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 15, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 15, T.33N., R.62E., M.D.B.&M.¹

Application 40223 was filed on January 4, 1980, by William D. Hamblin to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 22, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 22, T.33N., R.62E., M.D.B.&M.¹

Application 40224 was filed on January 4, 1980, by Teresa Whiting to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 15, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 15, T.33N., R.62E., M.D.B.&M.¹

Application 40225 was filed on January 4, 1980, by Angela Hamblin to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 22, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 22, T.33N., R.62E., M.D.B.&M.¹

Application 40226 was filed on January 4, 1980, by Bobby D. Brakey to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 18, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 18, T.33N., R.63E., M.D.B.&M.¹

Application 40227 was filed on January 4, 1980, by Pennie A. Brakey to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 18, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 18, T.33N., R.63E., M.D.B.&M.¹

Application 40228 was filed on January 4, 1980, by Christine W. Carroll to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 24, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 24, T.33N., R.62E., M.D.B.&M.¹

Application 40229 was filed on January 4, 1980, by Dwight E. Carroll to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 24, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 24, T.33N., R.62E., M.D.B.&M.¹

Application 40230 was filed on January 4, 1980, by Emer J. Hamblin to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 23, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 23, T.33N., R.62E., M.D.B.&M.¹

Application 40231 was filed on January 4, 1980, by Helen Hamblin to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 23, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 23, T.33N., R.62E., M.D.B.&M.¹

Application 40232 was filed on January 4, 1980, by Ralph J. Hamblin to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 26, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 26, T.33N., R.62E., M.D.B.&M.¹

Application 40233 was filed on January 4, 1980, by Violet Hamblin to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 26, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within Lot 3 Section 26, T.33N., R.62E., M.D.B.&M.¹

Application 40234 was filed on January 4, 1980, by John R. Brakey to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 9, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 9, T.33N., R.63E., M.D.B.&M.¹

Application 40235 was filed on January 4, 1980, by Minette I. Brakey to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 9, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 9, T.33N., R.63E., M.D.B.&M.¹

Application 40236 was filed on January 4, 1980, by Glen John Forgie to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 19, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 19, T.33N., R.63E., M.D.B.&M.¹

Application 40237 was filed on January 4, 1980, by Mary A. Forgie to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 19, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 19, T.33N., R.63E., M.D.B.&M.¹

Application 40238 was filed on January 4, 1980, by Paul H. Hamblin to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 25, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 25, T.33N., R.62E., M.D.B.&M.¹

Application 40239 was filed on January 4, 1980, by Barbara T. Hamblin to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 25, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 25, T.33N., R.62E., M.D.B.&M.¹

Application 40240 was filed on January 4, 1980, by Leo Allen Jensen to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 30, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 30, T.33N., R.63E., M.D.B.&M.¹

Application 40241 was filed on January 4, 1980, by Lillian A. Jensen to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 30, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 30, T.33N., R.63E., M.D.B.&M.¹

Application 40242 was filed on January 4, 1980, by Marian D. Jensen to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 36, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 36, T.33N., R.62E., M.D.B.&M.¹

Application 40243 was filed on January 4, 1980, by Paul Jensen to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 31, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 31, T.33N., R.63E., M.D.B.&M.¹

Application 40244 was filed on January 4, 1980, by Michelle Smith to appropriate 5.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 32, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SW1/4 Section 32, T.33N., R.63E., M.D.B.&M.¹

Application 40246 was filed on January 4, 1980, by Ferman Lujan to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the E1/2 Section 36, T.33N., R.61E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 36, T.33N., R.61E., M.D.B.&M.¹

Application 40248 was filed on January 4, 1980, by Judy Horne to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the W1/2 Section 35, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 35, T.33N., R.62E., M.D.B.&M.¹

Application 40249 was filed on January 4, 1980, by Morrill Stout to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the E1/2 Section 35, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 35, T.33N., R.62E., M.D.B.&M.¹

Application 40378 was filed on January 23, 1980, by Donald L. Allred to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 25, T.33N., R.61E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 25, T.33N., R.61E., M.D.B.&M.¹

Application 40379 was filed on January 23, 1980, by Paul M. Johannesen to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 25, T.33N., R.61E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 25, T.33N., R.61E., M.D.B.&M.¹

Application 40382 was filed on January 23, 1980, by Clarissa M. Bell to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the W1/2 Section 21, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 21, T.33N., R.62E., M.D.B.&M.¹

Application 40383 was filed on January 23, 1980, by John E. Bell to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the E1/2 Section 21, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 21, T.33N., R.62E., M.D.B.&M.¹

Application 40385 was filed on January 23, 1980, by Victor Bell to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 20, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 20, T.33N., R.62E., M.D.B.&M.¹

Application 40386 was filed on January 23, 1980, by David Charles Carlson to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the S1/2 Section 17, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 17, T.33N., R.63E., M.D.B.&M.¹

Application 40388 was filed on January 23, 1980, by Verlynn Jay Proost to appropriate 7.4 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the N1/2 Section 20, T.33N., R.63E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NW1/4 Section 20, T.33N., R.63E., M.D.B.&M.¹

Application 41105 was filed on April 16, 1980, by Ronald and Jolene Firgens to appropriate 12.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 640 acres of land within the E1/2 Section 30 and W1/2 Section 29, T.33N., R.62E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 30, T.33N., R.62E., M.D.B.&M.¹

Application 44700 was filed on October 28, 1981, by Vernon and Joan Westwood to appropriate 6.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 320 acres of land within the E1/2 Section 11, T.34N., R.62E., M.D.B.&M. The point of diversion is described as being within the SE1/4 NE1/4 Section 11, T.34N., R.62E., M.D.B.&M. Application 44700 was assigned to Connecticut General Life Insurance Company on October 10, 1983.¹

Application 44700 was protested on May 24, 1982, by Taylors Ltd. on the following Grounds:¹

"Taylors Ltd. has producing wells in the area which represent substantial investment in irrigation equipment and farmland. We feel more wells in the area would jeopardize production of these wells."

II.

Water Resources Bulletin No. 12 titled "Contributions to the Hydrology of Eastern 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.

The principal source of ground water to Clover Valley is from precipitation on the east flank of the East Humboldt Range, but lesser amounts are supplied from the other mountain areas bordering the valley.²

Weather records at Clover Valley Station indicate an annual precipitation of 13.22 inches. This station was on the lower west side slope of Clover Valley and probably reflects a somewhat higher precipitation than falls on the valley floor. Much of the precipitation is lost by evaporation or transpiration before it reaches the ground water reservoir.²

² Water Resources Bulletin No. 12.

A reconnaissance method of estimating average annual ground water recharge from precipitation indicates an annual increment of about 21,000 acre-feet for Clover Valley.²

Another method of estimating average annual ground water recharge to Clover Valley based on a percentage of the total precipitation was used by T.E. Eakin and G.B. Maxey of the U.S. Geological Survey. They estimated the average annual recharge to be 20,700 acre-feet.²

Estimates of the average annual ground water discharge suggests that about 19,000 acre-feet are discharged from Clover Valley and is therefore the estimated perennial yield of the Clover Valley Ground Water System.²

Under extensive ground water development, possibly one-half of the natural discharge could be recovered by wells in Clover Valley.²

Ground water is discharged from Clover Valley by transpiration, evaporation, springs and wells. Although underflow from Clover Valley to Independence Valley is possible, it is believed to be very small because of the low water level gradient and low permeability of the sediments in the segment between the two valleys.²

II.

The perennial yield of a hydrologic system is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. If the perennial yield is continually exceeded, ground 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. Perennial yield cannot exceed the natural replenishment to an area indefinitely and ultimately is limited to the maximum amount of natural discharge that can be salvaged for beneficial use.³

Withdrawals of ground water in excess of the perennial yield contribute to adverse conditions such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of ground water gradients which could result in significant changes in the recharge-discharge relationship. These conditions have developed in several other ground water basins within the State of Nevada where storage depletion and declining water tables have been recorded and documented.³

³ See attached Appendix of References.

III.

Permits and certificates have been issued under existing rights for more than 22,000 acre-feet annually of ground water within the Clover Valley area.¹

IV.

Should additional water be allowed for appropriation under new applications and subsequent development of ground water pursuant thereto detrimentally affect prior existing rights, the State Engineer is required by law to order withdrawals be restricted to conform to prior rights.⁴

V.

Information available to the State Engineer indicates that Applications 32396, 32397, 36607, 37322, 37323, 37536, 37639, 37640, 37641, 40204 through 40244, inclusive, 40246, 40248, 40249, 40378, 40379, 40382, 40383, 40385, 40386, 40388, 41105 and 44700 were filed in support of Desert Land Entry applications.¹

VI.

The approval of the above referenced applications would result in the additional withdrawal of 80,160 acre-feet of ground water. There are presently pending before the State Engineer, applications for over 16,000 acre-feet annually of ground water to support irrigation of private lands.¹ NRS 533.357 establishes the order of priority the State Engineer must consider in acting on applications for irrigation use within the same basin.

CONCLUSIONS

I.

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

II.

The State Engineer is prohibited by law 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.⁵

⁴ NRS 534.100(c).

⁵ NRS 533.370.

III.

The granting of permits under Applications 32396, 32397, 36607, 37322, 37323, 37536, 37639, 37640, 37641, 40204 through 40244, inclusive, 40246, 40248, 40249, 40378, 40379, 40382, 40383, 40385, 40386, 40388, 41105 and 44700 would result in the withdrawal of substantial amounts of ground water in excess of the perennial yield of the Clover Valley Ground Water Basin and would, therefore, adversely affect existing rights and be detrimental to the public interest and welfare.

RULING

Applications 32396, 32397, 36607, 37322, 37323, 37536, 37639, 37640, 37641, 40204 through 40244, inclusive, 40246, 40248, 40249, 40378, 40379, 40382, 40383, 40385, 40386, 40388, 41105 and 44700 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. The protest to Application 44700 is herewith upheld.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/CT/bl

Dated this 17th day of
AUGUST, 1984.

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