

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 48306,)
48307, 48308, 48309, 48310, 48311, 48312 AND)
48313 FILED TO APPROPRIATE THE PUBLIC)
WATERS OF AN UNDERGROUND SOURCE IN)
GABBS VALLEY, MINERAL COUNTY,)
NEVADA.)

RULING

GENERAL

Application 48306 was filed on August 15, 1984, by Frank Eugene Elliott to appropriate 5.3 c.f.s. of water from an underground source for irrigation purposes on 355 acres of land within the NE1/4 Section 12, T.11N., R.33E., M.D.B.&M., and the NW1/4 Section 7, T.11N., R.34E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 12, T.11N., R.33E., M.D.B.&M.¹

Application 48307 was filed on August 15, 1984, by Margene Elliott to appropriate 5.3 acre-feet of water from an underground source for irrigation purposes on 320 acres of land within the NE1/4 Section 7 and NW1/4 Section 8, T.11N., R.34E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 7, T.11N., R.34E., M.D.B.&M.¹

Application 48308 was filed on August 15, 1984, by Roger D. Elliott to appropriate 5.3 acre-feet of water from an underground source for irrigation purposes on 320 acres of land within the SE1/4 Section 7 and SW1/2 Section 8, T.11N., R.34E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SW1/4 Section 8, T.11N., R.34E., M.D.B.&M.¹

Application 48309 was filed on August 15, 1984, by Jennifer L. Elliott to appropriate 5.3 acre-feet of water from an underground source for irrigation purposes on 320 acres of land within the W1/2 Section 8, T.11N., R.34E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 8, T.11N., R.34E., M.D.B.&M.¹

Application 48310 was filed on August 15, 1984, by Denise Bofenkamp to appropriate 5.3 acre-feet of water from an underground source for irrigation purposes on 320 acres of land within the W1/2 Section 16, T.11N., R.34E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NW1/4 Section 16, T.11N., R.34E., M.D.B.&M.¹

Application 48311 was filed on August 15, 1984, by William A. Lee, Jr., to appropriate 5.3 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the E1/2 Section 17, T.11N., R.34E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 17, T.11N., R.34E., M.D.B.&M.¹

¹ Public record in the office of the State Engineer.

Application 48312 was filed on August 15, 1984, by Eugene J. Zepp to appropriate 5.3 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the E1/2 Section 20, T.11N., R.34E., M.D.B.&M. The point of diversion is described as being within the SE1/4 SE1/4 Section 20, T.11N., R.34E., M.D.B.&M.¹

Application 48313 was filed on August 15, 1984, by Michael R. Dickey to appropriate 5.3 c.f.s. of water from an underground source for irrigation purposes on 320 acres of land within the W1/2 Section 20, T.11N., R.34E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NW1/4 Section 20, T.11N., R.34E., M.D.B.&M.¹

Ground-Water Resources - Reconnaissance Series Report 9 titled "Ground-Water Appraisal of Gabbs Valley, Mineral and Nye Counties, Nevada", was prepared cooperatively by the Geological Survey, U.S. Department of Interior, and State of Nevada, Department of Conservation and Natural Resources.¹

FINDINGS OF FACT

I.

On September 9, 1983, the State Engineer, pursuant to authority granted to him by Chapter 534 of Nevada Revised Statutes, declared Gabbs Valley to be a designated basin. In addition, pursuant to NRS 534.120, subsection 2, the designation order further stated "...the irrigation of land using underground water is not considered to be a preferred use of the limited underground water resource and applications to appropriate water for irrigation will be denied".²

II.

The perennial yield from the Gabbs Valley ground water reservoir is estimated by the U.S. Geological Survey to be 5000 acre-feet of water per year.³

III.

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.⁴

² State Engineer's Order No. 825, public record in the office of the State Engineer.

³ Reconnaissance Series Report No. 9.

⁴ See attached Appendix of References.

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.⁴

IV.

Permits and certificates have been issued in Gabbs Valley for over 23,000 acre-feet of ground water per year.¹

V.

Past applications to appropriate water for irrigation purposes from an underground source in Gabbs Valley have been denied.⁵ The State Engineer is authorized to deny applications prior to publication when a previous application for a similar use of water within the same basin has been rejected.

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 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 welfare.⁶

III.

The State Engineer is authorized to deny applications prior to publication when a previous application for a similar use of water within the same basin has been rejected.⁶

IV.

The granting of permits under Applications 48306 through 48313, inclusive, would result in the withdrawal of additional ground water for irrigation purposes in excess of the perennial yield of the Gabbs Valley Ground Water Basin and would, therefore, adversely affect existing rights and be detrimental to the public interest and welfare.

⁵ See Rulings 2680 and 2700.

⁶ NRS 533.370.

V.

Irrigation has been declared to be a non-preferred use in the Gabbs Valley Ground Water Basin.²

RULING

Applications 48306, 48307, 48308, 48309, 48310, 48311, 48312 and 48313 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/CT/bl

Dated this 5th day of
February, 1985.

APPENDIX OF REFERENCES

Land Subsidence in Las Vegas Valley, 1935-63, Information Series No. 5 U.S.G.S.

State of Nevada, Department of Highways, Report on Land Subsidence in Las Vegas Valley.

Evaluation of the Water Resources of Lemmon Valley with Emphasis on Effects of Ground-Water Development to 1971, J.R. Harrill, Water Resources Bulletin No. 42, United States Geological Survey and State of Nevada, State Engineer's Office, Division of Water Resources, Department of Conservation and Natural Resources, 1972.

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Subsidence in Las Vegas Valley, John w. Bell, Nevada Bureau of Mines and Geology Bulletin 95.

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