

IN THE OFFICE OF THE STATE ENGINEER  
OF THE STATE OF NEVADA

IN THE MATTER OF APPLICATION )  
69063 FILED WITHIN LEMMON VALLEY )  
EASTERN PART HYDROGRAPHIC BASIN )  
(92B) TO CHANGE THE POINT OF )  
DIVERSION OF A PORTION OF THE )  
PUBLIC WATERS OF AN UNDERGROUND )  
SOURCE PREVIOUSLY APPROPRIATED )  
UNDER PERMIT 50399 WITHIN THE )  
ANTELOPE VALLEY HYDROGRAPHIC )  
BASIN (093), WASHOE COUNTY, )  
NEVADA. )

RULING

#5188

GENERAL

I.

Application 69063 was filed on August 9, 2002, by the International Community of Christ Church c/o Dougals Eugene Savoy to change the point of diversion of 0.00552 cubic feet per second, not to exceed 4.00 acre-feet annually (afa), a portion of the underground water previously appropriated under Permit 50399. The proposed manner and place of use is for quasi-municipal and domestic purposes within a portion of the NE $\frac{1}{4}$  SE $\frac{1}{4}$  and E $\frac{1}{2}$  NE $\frac{1}{4}$  of Section 3, T.21N., R.19E., M.D.B.&M. and portions of the E $\frac{1}{2}$  SE $\frac{1}{4}$  and SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 34, and portions of Section 35 described as Parcels 290 through 299 of Division of Land Map No. 33 for Red Rock Estates, T.22N., R.19E., M.D.B.&M. The existing point of diversion is described as being located within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 35, T.22N., R.19E., M.D.B.&M. The proposed point of diversion is described as being located within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of Section 35, T.22N., R.19E., M.D.B.&M.<sup>1</sup>

<sup>1</sup> File No. 69063, official records in the Office of the State Engineer.

**FINDINGS OF FACT**

**I.**

Permit 50399 was approved on July 6, 1998, to change the point of diversion and place of use of a portion of underground water previously appropriated under 31726 from the Antelope Valley Hydrographic Basin. Under the provisions of Nevada Revised Statute § 533.330 a permit which requests an appropriation of water is limited to one source, to be used for no more than one purpose. The State Engineer finds the appropriation of water approved under Permit 50399 can only occur from the Antelope Valley Hydrographic Basin.<sup>2</sup>

**II.**

Application 69063 requests a change in the point of diversion established under Permit 50399. Field investigations conducted by personnel from the Office of the State Engineer confirmed that the proposed point of diversion described under the subject application is located within the hydrographic boundaries of the Lemmon Valley Eastern Part Hydrographic Basin.<sup>3</sup> The State Engineer finds that the change in the point of diversion requested by Application 50399 if approved would replace a portion of the appropriation of water that has occurred in the Antelope Valley Hydrographic Basin under Permit 50399 with a new point of diversion located within the Lemmon Valley Eastern Part Hydrographic Basin and would represent a new appropriation of underground water from this basin.

**III.**

The Nevada Division of Water Resources and the U.S. Geological Survey established formal hydrographical areas during the late 1960's to assist in the regulation and administration

---

<sup>2</sup> File No. 50399, official records in the Office of the State Engineer.

<sup>3</sup> File No. 69063, field investigation dated October 9, 2002, official records in the Office of the State Engineer.

of the State's water resources. Currently, the State of Nevada is divided into 232 separate hydrologic groundwater basins, each with a unique set of variables that define the basins' groundwater recharge and discharge relationship.<sup>4</sup> Both the Lemmon Valley Hydrographic Basin and the Antelope Valley Hydrographic Basin are closed basins<sup>5</sup> with no known hydrologic connection. When considering the approval or denial of an application to appropriate underground water, the State Engineer must take into account the degree of balance which exists between the basin's committed groundwater resource in the form of permits and certificates issued to appropriate ground water and its perennial yield.

The perennial yield of a hydrologic basin is the maximum amount of water of usable chemical quality that can be consumed economically each year for an indefinite period of time. The perennial yield cannot exceed the natural replenishment to an area indefinitely, and ultimately is limited to the maximum amount of natural recharge that can be salvaged for beneficial use. If the perennial yield is continually exceeded, groundwater levels will decline until the groundwater reservoir is depleted. 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 groundwater gradients which could result in significant changes in the recharge-discharge relationship.<sup>6</sup>

---

<sup>4</sup> Designated Groundwater Basins of Nevada Map, revised January 2002, official records in the Office of the State Engineer.

<sup>5</sup> Closed basin refers to a basin with no known surface water or groundwater inflow or outflow. Therefore, the only water available for appropriation and capture by man must result from precipitation that falls within that basin's boundary.

<sup>6</sup> State Engineer's Office, Water for Nevada, State of Nevada Water Planning Report No. 3, p. 13, October 1971.

The United States Geological Survey estimates that the perennial yield of the Lemmon Valley Western and Eastern Parts Hydrographic Basin is 1,500 acre-feet annually.<sup>7</sup> The committed groundwater resource in the form of permits and certificates issued by the State Engineer's Office for groundwater withdrawal from the Lemmon Valley Eastern Part Hydrographic Basin currently exceeds 1,974 afa.<sup>8</sup>

The State Engineer finds that the approval of any additional permits to appropriate water from the Lemmon Valley Eastern Part Hydrographic Basin would contribute to the negative imbalance that currently exists between the committed resource and perennial yield of the basin adversely affecting existing rights.

#### CONCLUSIONS

##### I.

The State Engineer has jurisdiction over the parties and the subject matter of this action and determination.<sup>9</sup>

##### II.

The State Engineer is prohibited by law from granting a permit under an application to change the public waters where:<sup>10</sup>

- A. there is no unappropriated water at the proposed source;
- B. the proposed use or change conflicts with existing rights;
- C. the proposed use or change conflicts with protectible interests in existing domestic wells as set forth in NRS § 533.024; or
- D. the proposed use or change threatens to prove detrimental to the public interest.

---

<sup>7</sup> F.E. Rush and P.A. Glancy, Water-Resources Reconnaissance Series Report 43, Water-Resources appraisal of the Warm Springs - Lemmon Valley area, Washoe County, Nevada Nev. Dept. of Conservation and Natural Resources and U.S.G.S., p. 43, 1967.

<sup>8</sup> Special Hydrologic basin Abstract, Water Rights Database, October 15, 2002, official records in the Office of the State Engineer.

<sup>9</sup> NRS chapters 533 and 534.

<sup>10</sup> NRS § 533.370 (3).

**III.**

A permit to appropriate the public waters of the State of Nevada is limited to a single source that is represented under Permit 50399 by the underground waters of the Antelope Valley Hydrographic Basin. Application 69063 if approved would replace a portion of this appropriation with an appropriation of underground water from the adjacent Lemmon Valley Eastern Part Hydrographic Basin. This change of an existing water right would constitute a new appropriation of water from the Lemmon Valley Eastern Part Hydrographic Basin and further contribute to the negative imbalance that currently exists between the committed resource and perennial yield of the basin. The State Engineer concludes that the approval of an additional appropriation of underground water from a groundwater basin where the committed groundwater resource exceeds the perennial yield of the basin would adversely affect existing rights and threaten to prove detrimental to the public interest.

**RULING**

Application 69063 is hereby denied on the grounds that the granting thereof would adversely effect existing rights and threaten to prove detrimental to the public interest.

Respectfully Submitted,



Hugh Ricci, P.E.  
State Engineer

HR/SW/jm

Dated this 10th day of

December, 2002.