IN THE OFFICE OF THE STATE ENGINEER

OF THE STATE OF NEVADA

ORDER

#1252

ORDER

EXTENDING THE DESIGNATED AREA, LIFTING THE PROHIBITION OF MOVEMENT OF WATER RIGHTS TO THE PAHRUMP AND MANSE FANS, AND FURTHER CURTAILMENT OF GROUNDWATER APPROPRIATION WITHIN THE PAHRUMP VALLEY HYDROGRAPHIC BASIN (10-162) IN CLARK AND NYE COUNTIES, NEVADA

EXTENDING DESIGNATED AREA

WHEREAS, the State Engineer partially designated the Pahrump Valley Hydrographic Basin, located within portions of Clark and Nye Counties, Nevada, as provided under the provisions of Nevada Revised Statute (NRS) § 534.030, by the following Orders:

1. Order No. 176, dated March 11, 1941.
2. Order No. 193, dated January 15, 1948, extending the boundary of the designated area of the Pahrump Valley Hydrographic Basin.
3. Order No. 205, dated January 23, 1953, extending the boundary of the designated area of the Pahrump Valley Hydrographic Basin.

WHEREAS, the State Engineer finds that conditions warrant the extension of the designated boundaries to include the entire extent of the Pahrump Valley Hydrographic Basin.

NOW THEREFORE, the State Engineer, pursuant to NRS § 534.030, designates the following described areas of land in need of administration:

T.17S., R.52E., Mount Diablo Base & Meridian (M.D.B.&M.)
That portion of Section 36 within the Pahrump Valley drainage basin.

T.17S., R.53E., M.D.B.&M.
All of Sections 25, 26, 27, 32, 33, 34, 35 and 36 and those portions of Sections 13, 14, 21, 22, 23, 24, 28, 29, 30 and 31 within the Pahrump Valley drainage basin.

T.17S., R.54E., M.D.B.&M.

All of Section 31 and those portions of Sections 19, 29, 30, 32 and 33 within the Pahrump Valley drainage basin.

T.18S., R.52E. , M.D.B.&M.

All of Sections 12 and 25 and those portions of Sections 1, 2, 11, 13, 14, 23, 24, 26, 35 and 36 within the Pahrump Valley drainage basin.

T.18S., R.53E., M.D.B.&M.

All sections.

T.18S., R.54E., M.D.B.&M.

All of Sections 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 3, 4, 10, 11, 13, 14, 15 and 23 within the Pahrump Valley drainage basin.

T.18S., R.55E., M.D.B.&M.

All of Sections 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 8, 9, 14, 15, 16, 17, 18, 23, 24 and 25 within the Pahrump Valley drainage basin.

T.18S., R.56E., M.D.B.&M.

Those portions of Sections 30, 31 and 32 within the Pahrump Valley drainage basin.

T.19S., R.51E., M.D.B.&M.

All of Sections 22, 23, 24, 25, 26, 27, 35 and 36 and those portions of Sections 13, 14, 15, 16 and 21 within the Pahrump Valley drainage basin and the State of Nevada.

T.19S., R.52E., M.D.B.&M.

All of Sections 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 1, 3, 4, 7, 8, 9, 10, 11, 12, 17 and 18 within the Pahrump Valley drainage basin.

T.19S., R.53E., M.D.B.&M.

All sections.

T.19S., R.54E., M.D.B.&M.

All sections.

T.19S., R.55E., M.D.B.&M.

All sections.

T.19S., R.56E., M.D.B.&M.

All of Sections 6, 7, 8, 17, 18, 19, 20, 29, 30, 31, 32 and 33 and those portions of Sections 4, 5, 9, 16, 21, 22, 27, 28, 34 and 35 within the Pahrump Valley drainage basin.

T.20S., R.51E., M.D.B.&M.
All sections.

T.20S., R.52E., M.D.B.&M.
All sections.

T.20S., R.53E., M.D.B.&M.
All sections.

T.20S., R.54E., M.D.B.&M.
All sections.

T.20S., R.55E., M.D.B.&M.
All sections.

T.20S., R.56E., M.D.B.&M.
All of Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 and those portions of Sections 1 and 2 within the Pahrump Valley drainage basin.

T.20S., R.57E., M.D.B.&M.
All of Sections 7, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35 and those portions of Sections 5, 6, 8, 9, 15, 16, 22, 23, 24, 25 and 36 within the Pahrump Valley drainage basin.

T.21S., R.52E., M.D.B.&M.
All sections.

T.21S., R.53E., M.D.B.&M.
All sections.

T.21S., R.54E., M.D.B.&M.
All sections.

T.21S., R.55E., M.D.B.&M.
All sections.

T.21S., R.56E., M.D.B.&M.
All sections.

T.21S., R.57E., M.D.B.&M.
All of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32 and 33 and those portions of Sections 1, 12, 25, 34, 35 and 36 within the Pahrump Valley drainage basin.

T.21S., R.58E., M.D.B.&M.
Those portions of Sections 7, 18, 19 and 30 within the Pahrump Valley drainage basin.

T.22S., R.53E., M.D.B.&M.
All sections.

T.22S., R.54E., M.D.B.&M.
All sections.

T.22S., R.55E., M.D.B.&M.
All sections.

T.22S., R.56E., M.D.B.&M.
All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32 and 33 and those portions of Sections 25, 26, 34 and 35 within the Pahrump Valley drainage basin.

T.22S., R.57E., M.D.B.&M.
All of Sections 4, 5, 6, 7, 8, 9, 16, 17, 18, 19 and 20 and those portions of Sections 3, 10, 15, 21, 22, 28, 29 and 30 within the Pahrump Valley drainage basin.

T.23S., R.54E., M.D.B.&M.
All sections.

T.23S., R.55E., M.D.B.&M.
All of Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 20, 21, 22 and 28 and those portions of Sections 13, 23, 24, 26 and 27 and the Pahrump Valley drainage basin.

T.23S., R.56E., M.D.B.&M.
All of Sections 5 and 6 and those portions of Sections 3, 4, 7, 8, 9 and 18 within the Pahrump Valley drainage basin.

T.25N., R.7E., San Bernardino Base & Meridian (S.B.B.&M.)
All of sections 10, 14, 15, 23, 24 and 25 and those portions of Sections 8, 9, 16, 17, 21, 22, 26, 27, 35 and 36 within the Pahrump Valley drainage basin and the State of Nevada.

T.25N., R.8E., S.B.B.&M.
All sections.

T.24N., R.7E., S.B.B.&M.
That portion of Section 1 within the Pahrump Valley drainage basin and the State of Nevada.

T.24N., R.8E., S.B.B.&M.

All of Sections 4, 5, 9, 10, 14, 15, 23, 24 and 25 and those portions of Sections 6, 7, 8, 16, 17, 21, 22, 26, 27, 35 and 36 within the Pahrump Valley drainage basin and the State of Nevada.

T.23N., R.8E., S.B.B.&M.

That portion of Section 1 within the Pahrump Valley drainage basin and the State of Nevada.

The designated Pahrump Valley Hydrographic Basin is depicted and defined on Nevada Division of Water Resources, State Engineer's office maps.

LIFTING THE PROHIBITION ON MOVEMENT OF WATER RIGHTS TO THE PAHRUMP AND MANSE FANS

WHEREAS, by Order No. 955, dated October 26, 1987, the State Engineer ordered that applications filed to appropriate water from the Pahrump and Manse alluvial fans be denied within the Pahrump Valley Hydrographic Basin.

WHEREAS, Order No. 955 noted a continual decline in water levels in the basin, with the greatest declines noted along the base of the Pahrump and Manse fans located in the east side of the basin.

WHEREAS, Order 955 ordered that all applications filed to appropriate water from the Pahrump Valley Hydrographic Basin in the east side of the basin on the Pahrump and Manse fans be denied.

WHEREAS, the State Engineer has historically interpreted Order No. 955 to also exclude the transfer of existing water rights from the Pahrump Valley floor to the Pahrump and Manse fans.

WHEREAS, the denial of applications, and their subsequent groundwater pumping, in the east side of the basin on the Pahrump and Manse fans was intended to slow and/or reverse declining water levels, particularly on the valley floor where the greatest declines in water levels were observed.

WHEREAS, hydrographic data collected since the issuance of Order No. 955 demonstrates that water levels in the eastern part of the basin along the Pahrump and Manse fans have significantly recovered but that, contrary to what was anticipated, the water levels on the valley floor continue to decline, indicating that the hydrologic connectivity between the fans and the valley floor is poor.

WHEREAS, the Pahrump Valley Hydrographic Basin is over-appropriated, and a groundwater management plan is being contemplated by water users in the basin.

WHEREAS, the State Engineer has determined that by allowing the movement of water rights, subject to NRS Chapters 533 and 534, from "off-the-fan" to the Pahrump and Manse fans would provide appropriators increased flexibility in the management of water resources in the basin.

NOW THEREFORE, it is ordered that there no longer exists a prohibition from moving existing water rights from "off-the-fan" to the Pahrump and Manse fans subject to the requirements of NRS Chapters 533 and 534 and other Orders of the State Engineer.

FURTHER CURTAILMENT

WHEREAS, by Order No. 206, dated May 4, 1953, the State Engineer ordered the installation of suitable measuring devices on all permitted wells (excluding domestic wells) within the Pahrump Valley Hydrographic Basin.

WHEREAS, by Order No. 381, dated June 1, 1970, the State Engineer designated preferred uses of groundwater and gave notice that no further appropriations would be approved for irrigation purposes within the Pahrump Valley Hydrographic Basin.

WHEREAS, by Order No. 955, dated October 26, 1987, the State Engineer ordered that applications filed to appropriate water from the Pahrump and Manse fans be denied and declared that new appropriations off the fans be limited to a maximum of 5,000 gallons per day for commercial purposes as a preferred use within the Pahrump Valley Hydrographic Basin.

WHEREAS, by Order No. 1107, dated November 8, 1994, the State Engineer ordered that applications filed to appropriate water from the Pahrump Valley Hydrographic Basin be denied except for commercial (non-living units) or industrial purposes off the fan seeking to appropriate a maximum of 1,800 gallons per day and where property is zoned for such purposes and for environmental permits filed pursuant to NRS § 534.437.

WHEREAS, NRS § 534.120 provides that within an area that has been designated by the State Engineer where, in his judgment, the groundwater basin is being depleted, the State Engineer in his administrative capacity is empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

WHEREAS, the State Engineer recently revised the perennial yield of the Pahrump Valley Hydrographic Basin from 12,000 to 20,000 acre-feet on the basis of numerous hydrologic studies supporting groundwater recharge of at least 20,000 acre-feet per year from precipitation in the basin.

WHEREAS, the committed groundwater rights of record in the Office of the State Engineer total approximately 60,500 acre-feet annually, which greatly exceeds the perennial yield.

WHEREAS, the State Engineer finds that conditions warrant the further curtailment of new appropriations of groundwater within the Pahrump Valley Hydrographic Basin.

WHEREAS, the State Engineer finds that a public hearing as required under NRS § 534.030, in the matter of the designation of Pahrump Valley Hydrographic Basin was held in Pahrump, Nevada, on April 14, 2015. Based on information received at the hearing and other data and information available to the State Engineer, it is determined that this groundwater basin is in need of additional administration under the provisions of NRS Chapter 534.

NOW THEREFORE, it is ordered that, with the following exceptions, any application to appropriate groundwater pursuant to NRS Chapters 533 and 534 within the designated Pahrump Valley Hydrographic Basin will be denied.

EXCEPTIONS:

1. Those applications for environmental permits filed pursuant to NRS §§ 533.437 to 533.4377, inclusive.
2. Those applications for temporary appropriations of groundwater for stockwater purposes during drought declarations filed pursuant to NRS § 533.504.
3. Those applications for temporary appropriations of groundwater for establishing fire-resistant vegetative cover filed pursuant to NRS § 533.436.
4. Those applications filed to increase diversion rate only, with no corresponding increase in duty of water.

P.E.

Jason King, P.E.
State Engineer

Dated at Carson City, Nevada this

29th day of April, 2015.