

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

IN THE MATTER OF APPLICATION NUMBER 53996
FILED BY Las Vegas Valley Water District
ON October 17, 1989, TO APPROPRIATE THE
WATERS OF Underground

PROTEST

Comes now Bruce A. Condie
Printed or typed name of protestant
whose post office address is St. Route Box 202, Pioche, Nevada 89043
Street No. or P.O. Box, City, State and Zip Code
whose occupation is Retired, and protests the granting
of Application Number 53996, filed on October 17, 1989
by Las Vegas Valley Water District
Printed or typed name of applicant
waters of Underground situated in Lincoln
Underground or name of stream, lake, spring or other source

County, State of Nevada, for the following reasons and on the following grounds, to wit:

This protest is based on the Division of Water resources reply to application
38525 filed July 9, 1979, to appropriate waters of an underground source in Lake
Valley ground water basin, Lincoln and White Pine counties, Nevada.

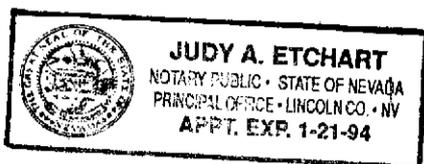
(SEE ATTACHMENT A, B, & C)

THEREFORE the protestant requests that the application be Denied
(Denied, issued subject to prior rights, etc., as the case may be)
and that an order be entered for such relief as the State Engineer deems just and proper.

Signed Bruce A. Condie
Agent or protestant
Printed or typed name, if agent
Address St. Route Box 202
Street No. or P.O. Box No.
Pioche, Nevada 89043
City, State and Zip Code No.

Subscribed and sworn to before me this 2nd day of July 1990

Judy A. Etchart
Notary Public
State of Nevada
County of Lincoln



100 \$10 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

IN THE MATTER OF APPLICATIONS 38520,)
38525, 38659, 40363 AND 43592 FILED)
FOR THE WATERS OF AN UNDERGROUND)
SOURCE IN LAKE VALLEY GROUND WATER)
BASIN, LINCOLN AND WHITE PINE)
COUNTIES, NEVADA)

RULING

INTRODUCTION

Application 38520 was filed on July 9, 1979, by James W. Cole to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 6, T.6N., R.67E., M.D.B. & M. and to be used for the irrigation of 320 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 1, T.6N., R.66E., M.D.B. & M., the E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Government Lots 5, 6, 7 Section 6, the NE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 7, T.6N., R.67E., M.D.B. & M.

Application 38525 was filed on July 9, 1979, by Bruce A. Condie to appropriate 5.6 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 7, T.6N., R.67E., M.D.B. & M. and to be used for the irrigation of 320 acres within the W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ Section 7, the W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 8, T.6N., R.67E., M.D.B. & M.

Application 38659 was filed on July 25, 1979, by Gordon H. Cole to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 36, T.7N., R.66E., M.D.B. & M., and to be used for the irrigation of 320 acres within the NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 36, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 35, T.7N., R.66E., M.D.B. & M., the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Government Lot 6 Section 1, T.6N., R.66E., M.D.B. & M.

Application 40363 was filed on January 21, 1980, by Lewis D. Rollins to appropriate 5.5 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 17, T.6N., R.67E., M.D.B. & M. and to be used for the irrigation of 320 acres within the NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 17, T.6N., R.67E., M.D.B. & M.

Application 43592 was filed on April 24, 1981, by Lyle and Mary Wiseman to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, T.6N., R.66E., M.D.B. & M. and to be used for the irrigation of 320 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 3, the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 4, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, the N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T.6N., R.66E., M.D.B. & M.

Applications 38520 and 38525 were protested on May 5, 1980, by Imperial Farms Land and Cattle Company, Inc.

ATTACHMENT A

In 1963, Ground Water Resources - Reconnaissance Series Report No. 24, "Ground Water Appraisal of Lake Valley in Lincoln and White Pine Counties, Nevada" by F. Eugene Rush, Thomas E. Eakin was prepared cooperatively by Nevada Department of Conservation and Natural Resources and U.S. Department of Interior, Geological Survey.

This report may be viewed in the State Engineer's office.

FINDINGS OF FACT

I

Applications 38520, 38525, 38659 and 40363 were filed in support of Desert Land Applications.

The source of water to be used to reclaim lands under Desert Land Applications is water from an underground source within the Lake Valley Ground Water Basin, Lincoln and White Pine Counties, Nevada. 1/

II

Ground water recharge in Lake Valley is derived solely from precipitation within the valley. 2/ The estimated annual recharge of the ground water reservoir in Lake Valley is 13,000 acre-feet. 3/

On the basis of the estimated average annual discharge from the basin under natural conditions 4/, the average annual recharge is inferred to be about 12,000 acre-feet. 5/

Most ground water recharge to Lake Valley is from precipitation on the Schell Creek and Wilson Creek Ranges. 6/

III

There are currently on file in the State Engineer's office Certificates of Appropriation for 21,171 acre-feet of water per year and permitted rights for 3,001 acre-feet of water per year. 7/ The total amount of water currently appropriated in Lake Valley is 24,173 acre-feet per year.

IV

The perennial yield of the natural system of the Lake Valley Reservoir is 12,000 acre-feet annually. 8/ Pumpage in excess of 12,000 acre-feet will eventually result in storage depletion from the principal aquifers, substantial water-level declines, and land subsidence. 9/

V

Should additional water be allowed for appropriation for the reclamation of lands under the Desert Land applications and subsequent development of ground water pursuant thereto detrimentally affect prior ground water rights, the State Engineer is required by law to order withdrawals be restricted to conform with priority rights. 10/

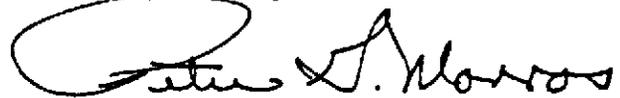
CONCLUSIONS

If the subject applications were granted, additional land would be irrigated. This would result in additional consumptive use by farm land irrigation. The additional withdrawals and consumption would remove water from the ground water reservoir which would not be replaced, resulting in depletion of the ground water reservoir, substantial water level declines, and possible land subsidence. The additional withdrawals and consumption of underground water would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

RULING

Applications 38520, 38525, 38659, 40363 and 43592 are hereby denied on the grounds that their granting would tend to impair the value of existing rights and threaten to prove detrimental to the public welfare.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM-LKF-js

Dated this 10th day of
September, 1981