

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  
..... 19: .., TO APPROPRIATE THE  
WATERS OF Underground

PROTEST

Comes now Gordon H. Cole  
Printed or typed name of protestant  
whose post office address is Box 445, Pioche, Nevada 89043  
Street No. or P.O. Box, City, State and Zip Code  
his occupation is Retired Truck Driver  
Application Number 53996 filed on ....., 19.....  
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

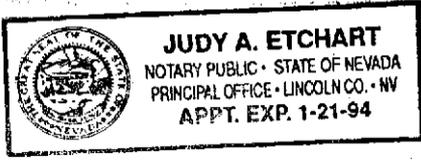
County, State of Nevada, for the following reasons and on the following grounds, to wit:  
The appropriation of this water when added to the already approved appropriations  
and dedicated users in the 183 Basin will exceed the annual recharge and safe  
yield of the basin. Mr. Cole made "application for permit to appropriate the  
public waters of the State of Nevada." 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 in Basin No. 183 Lincoln County, Nevada. This permit was not granted by  
Peter G. Morros, State Engineer for the following reason and I quote "additional  
land-- A complete copy of this rejection is enclosed in Exhibit "A".

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 Gordon H. Cole  
Agent of protestant  
Gordon H. Cole  
Printed or typed name, if agent  
Address P.O. Box 445  
Street No. or P.O. Box No.  
Pioche Nev 89043  
City, State and Zip Code No.

described and sworn to before me this 6<sup>th</sup> day of July 1990

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



510 FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE.  
ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

*E. H. Hubert "A"*

Date of filing in State Engineer's Office..... JUL 25 1979

Returned to applicant for correction.....

Corrected application filed..... JAN 8 1980

Map filed..... JAN 8 1980

The applicant..... Gordon H. Cole

P.O. Box 445, of Pioche, Nevada 89043

hereby make... application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.)

1. The source of the proposed appropriation is underground

2. The amount of water applied for is 5.4 second-feet

(a) If stored in reservoir give number of acre-feet..... acre-feet

3. The water to be used for Irrigation and domestic

4. If use is for:

(a) Irrigation (state number of acres to be irrigated)..... 320

(b) Stockwater (state number and kinds of animals to be watered).....

(c) Other use (describe fully under "No. 12. Remarks").....

(d) Power:

(1) Horsepower developed.....

(2) Point of return of water to stream.....

5. The water is to be diverted from its source at the following point: SW 1/4 NE 1/4 Section 36 T7N.

R66E, MDB&M, SE 1/4 corner of section 36, T7N. R66E MDB&M bears S 27°

15' E a distance of 3,064.5'

6. Place of use SW 1/4 NE 1/4, SE 1/4 NW 1/4, NE 1/4 NW 1/4, NW 1/4 NW 1/4, SW 1/4 NW 1/4 of Section 36.

T7N MDB&M and NE 1/4 NE 1/4 Section 35 T7N R66E, MDB&M, and Gov. Lot 6

and the SW 1/4 NE 1/4 of Sec. 1 T6N R66E MDB&M

7. Use will begin about 1 Jan. and end about 31 Dec. of each year.

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) drill and case well, install pump and pipe to irrigation system

State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.



STATE OF NEVADA  
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
DIVISION OF WATER RESOURCES

Capitol Complex

201 S. Fall Street, Carson City, Nevada 89710

In reply refer to  
No.

38520, 38525,  
38659, 40363, 43592

September 10, 1981

Address All Communications to  
the State Engineer, Division  
of Water Resources  
Telephone (702) 885-4380

James W. Cole ✓  
628 Northridge Drive  
Boulder City, Nevada 89005  
Certified Mail No. 4233570

Lewis D. Rollins  
3463 E. Quail Avenue  
Las Vegas, Nevada 89120  
Certified Mail No. 4233573

Bruce A. Condie  
Star Route Box 202  
Pioche, Nevada 89043  
Certified Mail No. 4233571

Lyle and Mary Wiseman  
Milford, Utah 84751  
Certified Mail No. 4233574

Gordon H. Cole ✓  
Box 445  
Pioche, Nevada 89043  
Certified Mail No. 4233572

Ladies and Gentlemen:

Enclosed is our official Ruling in the matter of Applications  
38520, 38525, 38659, 40363 and 43592.

These applications have been denied on the grounds as set forth  
in the Ruling.

Also enclosed is a copy of your respective application(s) which  
includes the endorsement of denial.

Very truly yours,



Peter G. Morros  
State Engineer

PGM-LKF-js

Enc

cc: Bureau of Land Management

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.

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/

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

## FOOTNOTES

1. Public records in the State Engineer's office.
2. Ground Water Resources - Reconnaissance Series Report #24, p. 9.
3. Ground Water Resources - Reconnaissance Series Report #24, p. 11.
4. Ground Water Resources - Reconnaissance Series Report #24, p. 12.
5. Ground Water Resources - Reconnaissance Series Report #24, p. 16.
6. Ground Water Resources - Reconnaissance Series Report #24, p. 9.
7. Public records in the State Engineer's office.
8. Ground Water Resources - Reconnaissance Series Report #24, p. 16.
9. Ground Water Resources - Reconnaissance Series Report #24, p. 9.
10. NRS 534.110, subsection 3 and 6.