

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

RECEIVED

JUL 06 1990

Div. of Water Resources
Branch Office - Las Vegas, NV

IN THE MATTER OF APPLICATION NUMBER 53996
FILED BY Las Vegas Valley Water District
ON OCT 17 19 89 TO APPROPRIATE THE
WATERS OF Underground

PROTEST

Comes now James W. Cole

whose post office address is 628 Northridge Drive, Boulder City, Nevada 89005
Street No. or P.O. Box, City, State and Zip Code

whose occupation is Metallurgical Engineer, and protests the granting

of Application Number 53996, filed on OCTOBER 17, 19 89

by Las Vegas Valley Water District to appropriate the

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 53996 was filed on July 9, 1979 by James W. 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.

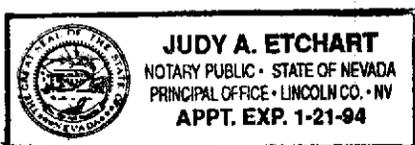
Signed James W. Cole
Agent or protestant

Address 628 Northridge Dr
Boulder City NV 89005
Street No. or P.O. Box No.
City, State and Zip Code No.

Subscribed and sworn to before me this 5th day of July 19 90

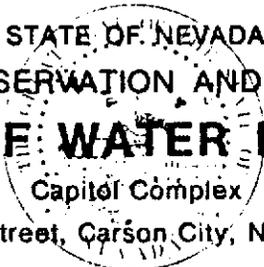
Judy A. Etchart
Notary Public

State of Nevada
County of Lincoln



NO FILING FEE MUST ACCOMPANY PROTEST. PROTEST MUST BE FILED IN DUPLICATE. ALL COPIES MUST CONTAIN ORIGINAL SIGNATURE.

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



201 S. Fall Street, Carson City, Nevada 89710

September 10, 1981

In reply refer to
No. 38520, 38525,
38659, 40363, 43592

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/

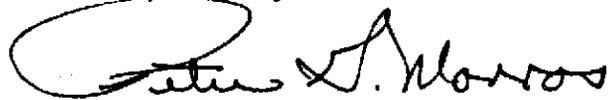
CONCLUSIONS

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.

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

Date of filing in State Engineer's Office JUL 9 1979
Returned to applicant for correction NOV 8 1979
Corrected application filed JAN 4 1980
Map filed JAN 4 1980

The applicant James W. Cole
628 Northridge Drive of Boulder City, Nevada 89005
Street and No. or P.O. Box No. City or Town

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
Name of stream, lake or other source.

2. The amount of water applied for is 5.4 second-feet
One second-foot equals 448.83 gals. per min.
(a) If stored in reservoir give number of acre-feet acre-feet

3. The water to be used for irrigation and domestic
Irrigation, power, mining, manufacturing, domestic, or other use.

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: SE 1/4 SW 1/4 Section 6, T6N, R67E
the SW corner of Section 6, T6N, R67E bears S85° 58'15" W a distance
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,
1423.52' feet
It should be stated.

6. Place of use T6N, R66E, Section 1, SE 1/4 NE 1/4 T6N, R67E, Section 6, Govt.
Describe by legal subdivision, if on unsurveyed land it should be so stated.
Lot #5, Govt. Lot #6, NE 1/4 SW 1/4, Govt. Lot #7, SE 1/4 SW 1/4, SW 1/4 SE 1/4 T6N,
R67E, Section 7, NE 1/4 NW 1/4

7. Use will begin about 1 January and end about 31 December, of each year.
Day and Month Day and Month

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.