

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

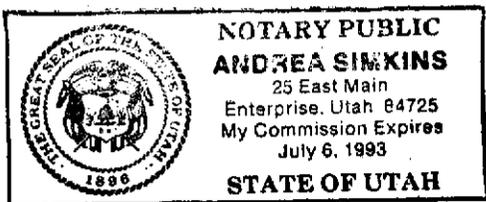
Comes now Robert Holt, General Partner, GEYSER RANCH LTD
Printed or typed name of protestant
whose post office address is P.O. Box 268, Enterprise, Utah 84725
Street No. or P.O. Box, City, State and Zip Code
whose occupation is Farmer, and protests the granting
of Application Number 53996, filed on October 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:
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. Appropriation and use of this magnitude will, lower the water table and degrade the quality of water from existing wells, cause negative hydraulic gradient influences, further cause other negative impacts and will adversely affect existing rights adverse to the public interest.
On April 17, 1980, the State Engineer denied Applications #36666, 36667, 36668, 36669, 36670, 37070 and 37071, on the grounds that there was no more water to appropriate, and that any additional appropriation would detrimentally affect existing prior rights.
Attached hereto is a copy of that ruling.

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 Robert Holt, Robert Holt
Agent or protestant
GEYSER RANCH LTD
Printed or typed name, if agent
Address P.O. Box 268, Enterprise, Utah 84725
Street No. or P.O. Box No.
City, State and Zip Code No.

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



Andrea Simkins
Notary Public
State of Utah
County of Washington

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

IN THE MATTER OF APPLICATIONS 36666, 36667, 36668,)
36669, 36670, 37070 and 37071 FILED FOR THE WATERS OF)
AN UNDERGROUND SOURCE IN LAKE VALLEY GROUND)
WATER BASIN, LINCOLN AND WHITE PINE COUNTIES,)
NEVADA)

R U L I N G

INTRODUCTION

Application 36666 was filed on February 8, 1979 by Keith A. Pearson to appropriate 5.4 c.f.s. of the waters an underground source to be diverted within the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 3, T.5N., R.66E., M.D.B.&M. and to be used for the irrigation of 320 acres within the SW $\frac{1}{4}$ Section 3, SE $\frac{1}{4}$ Section 4, T.5N., R.66E., M.D.B.&M.

Application 36667 was filed on February 8, 1979 by Vilica W. Pearson to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 2, T.5N., R.66E., M.D.B.&M. and to be used for the irrigation of 320 acres within the E $\frac{1}{2}$ Section 2, T.5N., R.66E., M.D.B.&M.

Application 36668 was filed on February 8, 1979 by Bart A. Pearson to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NW $\frac{1}{4}$ Section 11, T.5N., R.66E., M.D.B.&M. and to be used for the irrigation of 320 acres within the W $\frac{1}{2}$ Section 11, T.5N., R.66E., M.D.B.&M.

Application 36669 was filed on February 8, 1979 by Jean Pearson to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 11, T.5N., R.66E., M.D.B.&M. and to be used for the irrigation of 320 acres within the E $\frac{1}{2}$ Section 11, T.5N., R.66E., M.D.B.&M.

Application 36670 was filed on February 8, 1979 by R.N. Halvorsen to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 14, T.5N., R.66E., M.D.B.&M. and to be used for the irrigation of 320 acres within the W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14, E $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 15, T.5N., R.66E., M.D.B.&M.

Application 37070 was filed on March 19, 1979 by Roger Pearson to appropriate 5.4 c.f.s. of the water of underground source to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T.5N., R.66E., M.D.B.&M. and to be used for the irrigation of 320 acres within the E $\frac{1}{2}$ Section 10, T.5N., R.66E., M.D.B.&M.

Application 37071 was filed on March 19, 1979 by Kady M. Pearson to appropriate 5.4 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 10, T.5N., R.66E., M.D.B.&M. and to be used for the irrigation of 320 acres within the W $\frac{1}{2}$ Section 10, T.5N., R.66E., M.D.B.&M.

Applications 33666, 33668, 36669, 33670, 37070 and 37071 were protested on September 26, 1979 by Imperial Farms Land and Cattle Company, Inc.

In 1963, Ground Water Resources - Reconnaissance Series Report # 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 36666, 36667, 36668, 36669, 36670, 37070 and 37071 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.

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/

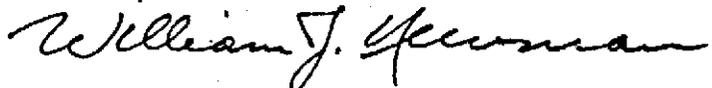
CONCLUSIONS

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 replace resulting in depletion of the ground water reservoir, substantial water-level declines and 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 36666, 36667, 36668, 36669, 36670, 37070 and 37071 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,



William J. Newman
State Engineer

WJN/mc

Dated this 17th day
of APRIL, 1980