

IN THE MATTER OF APPLICATIONS 34225,)
36923, 39361, 39362, 39364, 39365,)
39366, 39367 FILED FOR THE WATERS OF)
UNDERGROUND SOURCES WITHIN THE VIRGIN)
RIVER VALLEY AREA OF CLARK COUNTY,)
NEVADA)

RULING 2681

222

INTRODUCTION

Application 34225 was filed on October 18, 1977 by Larry F. Carpenter to appropriate 2.7 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 20, T.14S., R.68E., M.D.B. & M. and to be used for the irrigation of 150 acres within the SW $\frac{1}{4}$ Section 20, T.14S., R.68E., M.D.B. & M.

Application 36923 was filed on March 9, 1979 by John Byron McGovern to appropriate 5.0 c.f.s. of the waters of an underground source to be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 33, T.14S., R.69E., M.D.B. & M. and to be used for the irrigation of 290 acres within the N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, T.14S., R.69E., M.D.B. & M.

Application 39361 was filed on October 16, 1979 by Douglas M. Hafen to appropriate 3.0 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, T.13S., R.71E., M.D.B. & M. and to be used for the irrigation of 165 acres within the S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 3, NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 9, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 10, T.13S., R.71E., M.D.B. & M.

Application 39362 was filed on October 16, 1979 by Gary B. Hafen to appropriate 1.7 c.f.s. of the waters of an underground source to be diverted within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, T.13S., R.70E., M.D.B. & M. and to be used for the irrigation of 95 acres within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, T.13S., R.70E., M.D.B. & M.

Application 39364 was filed on October 16, 1979 by Monta Hafen to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 18, T.13S., R.71E., M.D.B. & M. and to be used for the irrigation of 305 acres within the N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 18, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 17, S $\frac{1}{2}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 8, T.13S., R.71E., M.D.B. & M.

Application 39365 was filed on October 16, 1979 by Bryan K. Hafen to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within Lot 6 Section 18, T.13S., R.71E., M.D.B. & M. and to be used for the irrigation

of 300 acres within the S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 18, T.13S., R.71E., S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, T.13S., R.70E., M.D.B. & M.

Application 39366 was filed on October 16, 1979 by Dawn N. Hafen to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 13, T.13S., R.70E., M.D.B. & M. and to be used for the irrigation of 290 acres within the N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 13, W $\frac{1}{2}$ NW $\frac{1}{4}$ Section 24, T.13S., R.70E., M.D.B. & M.

Application 39367 was filed on October 16, 1979 by Ann L. Hafen to appropriate 6.0 c.f.s. of the waters of an underground source to be diverted within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 9, T.13S., R.71E., M.D.B. & M. and to be used for the irrigation of 275 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 8, Lot 2, N $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 9, T.13S., R.71E., M.D.B. & M.

In 1969 Water Resources - Reconnaissance Series Report 51, "Water Resources Appraisal of the Lower Virgin River Valley Area, Nevada, Arizona, and Utah" by Patrick A. Glancy and A. S. Van Denburgh was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the United States Department of the Interior, Geological Survey. This report may be viewed in the State Engineer's Office.

FINDINGS OF FACT

I

The source of water to be used to reclaim lands under these applications is water from an underground source within the Lower Virgin River Valley Ground-water Basin. 1/

II

Ground-water recharge originates mainly as precipitation within the area. 2/ Estimated recharge from precipitation in Nevada is 3,100 acre feet north of the river and 500 acre feet south of river or a total recharge of 3,600 acre feet per year. 3/

III

Certificates of appropriation from ground-water have been issued in the amount of 1,437 acre feet per year. Additionally the State Engineer has issued permits which would allow for the diversion of 4,495 acre feet per year. This amounts to an annual demand of 5,935 acre feet. 4/

IV

Should additional water be allowed for appropriation for the reclamation of lands under these 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. 5/

CONCLUSIONS

1. The State Engineer has jurisdiction under NRS 533.325, as amended. 6/
2. The State Engineer is prohibited by law from granting a permit where:
 - A. There is no unappropriated water at the source, or
 - B. The proposed use conflicts with existing rights, or
 - C. The proposed use threatens to prove detrimental to the public welfare. 7/
3. If the subject applications were reported on favorably additional lands 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 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 34225, 36923, 39361, 39362, 39364, 39365, 39366 and 39367 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

William J. Newman, P.E.
State Engineer

Dated this 2nd day
of JULY, 1981.

WJN:sb

FOOTNOTES

1. Public records in the State Engineer's office.
2. Reconnaissance Series Report 51, Pg. 36.
3. Reconnaissance Series Report 51, Pg. 38.
4. Public records in the State Engineer's office.
5. NRS 534.110, subsection 3 and 6.
6. NRS 533.325.
7. NRS 533.370, subsection 4.