

IN THE MATTER OF APPLICATIONS 36470 AND )  
36471 FILED TO APPROPRIATE THE WATERS OF )  
AN UNDERGROUND SOURCE IN COLORADO RIVER )  
VALLEY, CLARK COUNTY, NEVADA )

R U L I N G

INTRODUCTION

Applications 36470 and 36471 were filed to appropriate water from an underground source in the Colorado River Valley Ground Water Basin, Clark County, Nevada.

In 1966, Water Resources Reconnaissance Series Report 36, "Ground Water Appraisal of the Eldorado-Piute Valley Area, Nevada and California", by F. Eugene Rush and Charles J. Huxel, Jr., was prepared cooperatively by the Nevada Department of Conservation and Natural Resources, Division of Water Resources and the U.S. Department of the Interior, Geological Survey. This report may be viewed at the office of the State Engineer.

FINDINGS OF FACT

I  
Application 36470 was filed by George Riess on January 16, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  Section 34, T25S, R64E, MDB&M, and the place of use is 320 acres within the N $\frac{1}{2}$  of said Section 34.

Application 36471 was filed by Martha Riess on January 16, 1979, to appropriate 5.4 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 34, T25S, R64E, MDB&M, and the place of use is 320 acres within the S $\frac{1}{2}$  of said Section 34.

II  
By an Order dated July 7, 1982, the State Engineer designated and described the Colorado River Valley Ground Water Basin under the provisions of NRS 534. 2/

III  
It is estimated that the potential annual recharge to the ground water basin from precipitation is 200 acre-feet. 3/ Any consumptive withdrawal in excess of the natural recharge will either deplete the ground water reservoir or cause additional surface water to percolate into the ground water reservoir.

IV  
Existing certified and permitted ground water rights in the Colorado River Valley Ground Water Basin total over 200 acre-feet per year. 4/

V

A public hearing in the matter of applications to appropriate water from the Colorado River Valley Ground Water Basin was held on June 11, 1982. Although testimony was presented at the hearing, there was no substantial evidence presented that would indicate that there was sufficient ground water available to supply the proposed diversions without creating an adverse effect on prior existing water rights. A transcript of the hearing may be viewed at the office of the State Engineer.

### CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 5/

II

The State Engineer is prohibited by law from granting a permit where:

- A. There is no unappropriated water at the proposed source, or
- B. The proposed use conflicts with existing rights, or
- C. The proposed use threatens to prove detrimental to the public welfare. 6/

III

If Applications 36470 and 36471 are 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:

- A. Would not be replaced resulting in depletion of the ground water reservoir, or
- B. Would be replaced by infiltrating surface water that would otherwise remain in or return to the stream system.

The two applications to irrigate 640 acres would require an appropriation of as much as 3,200 acre-feet of ground water annually.

The additional withdrawal and consumption of underground water for irrigation would, therefore, conflict with existing rights and threaten to prove detrimental to the public welfare.

IV

The State Engineer is authorized and directed to designate preferred uses of water within designated ground water basins such as the Colorado River Valley Ground Water Basin. 7/. The consumptive use of additional ground water to irrigate additional land or to more intensively or frequently irrigate other land is not considered to be a preferred use of the limited water resources of the Colorado River Valley Ground Water Basin.

RULING

Applications 36470 and 36471 are denied on the grounds that the appropriation of underground water for irrigation would tend to impair the value of existing rights, would be detrimental to the public interest and welfare, and would not be a preferred use of the limited ground water resources in the Colorado River Valley Ground Water Basin.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/AJV/ja

Dated this 7th day

of JANUARY, 1983.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Public records in the office of the State Engineer.
3. Water Resources-Reconnaissance Series, Report 36, page 19.
4. Public records in the office of the State Engineer.
5. NRS 533.025 and NRS 533.030, subsection 1.
6. NRS 533.370, subsection 4.
7. NRS 534.120, subsection 2.