

IN THE MATTER OF APPLICATIONS 32948 AND)
32949 FILED TO APPROPRIATE THE WATERS OF)
AN UNDERGROUND SOURCE IN LOWER MEADOW)
VALLEY WASH, LINCOLN COUNTY, NEVADA)

R U L I N G

2007

INTRODUCTION

Lower Meadow Valley Wash is one of eight valleys in southeastern Nevada which are all a part of the Colorado River drainage system known as the Meadow Valley Area.

In 1964, Water Resources Reconnaissance Series Report 27, "Ground-Water Appraisal of the Meadow Valley Area, Lincoln and Clark Counties, Nevada", 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 32948 was filed by Margaret V. Gray on July 28, 1977, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T11S, R66E, MDB&M, and the place of use is 160 acres within portions of the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 30, T11S, R66E, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, T11S, R65E, MDB&M.

Application 32949 was filed by Marjorie L. Schöber on July 28, 1977, to appropriate 2.7 c.f.s. of underground water for irrigation and domestic purposes. The point of diversion is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19, T11S, R66E, MDB&M, and the place of use is 160 acres within portions of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 19, the NW $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 30, T11S, R66E, and the NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 25, T11S, R65E, MDB&M. 1/

II

These applications are on lands associated with the Carey Act and as such fall within the priority as specified in NRS 533.357. 2/

III

By Order dated November 23, 1982, the State Engineer designated and described the Lower Meadow Valley Ground Water Basin under the provisions of NRS 534. 3/

IV

The Lower Meadow Valley Wash is part of a drainage system which includes seven other valleys. The basins in this drainage system include Patterson, Spring, Eagle, Dry, Rose, Panaca, Clover, and Lower Meadow Valley. These basins in downstream order are hydrologically interrelated and, therefore, development in one valley may intercept the supply of water that would reach the next valley downstream. Therefore, consideration is given only to the perennial yield of the entire area. The preliminary perennial yield of the area is considered to be about 25,000 acre-feet. 4/

V

Existing certified and permitted ground water rights in the Lower Meadow Valley Wash Ground Water Basin total over 28,000 acre-feet per year. The existing certified and permitted ground water rights in Patterson, Spring, Eagle, Dry, Rose, Panaca, and Clover Valley total over 28,000 acre-feet per year. Thus, the total water rights in the drainage system exceeds 50,000 acre-feet per year. 5/

VI

There have been 104 applications for irrigation denied in the Lower Meadow Valley Wash by the State Engineer under Ruling No. 2792 dated November 29, 1982. 6/

CONCLUSIONS

I

The State Engineer has jurisdiction of the parties and the subject matter of this action. 7/

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. 8/

III

If Applications 32948 and 32949 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 would not be replaced resulting in depletion of the ground water reservoir, or would be replaced by infiltrating surface water that would otherwise serve existing rights.

The two applications to irrigate 320 acres would require an appropriation of as much as 1,600 acre-feet of ground water annually.

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

The applications which are considered in this ruling have the lowest order of priority under NRS 533.357. The State Engineer is required by this statute to observe the following priority in acting upon irrigation water right applications in the same basin:

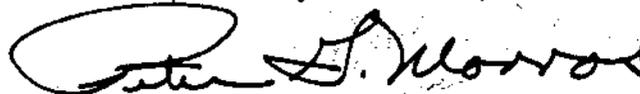
Applications by:

1. An owner of land for use on that land.
2. An owner of land for use on adjacent land for which he intends to file an application under the Carey Act or the Desert Land Entry Act.
3. Any other person whose application is preparatory to proceeding under the Carey Act or the Desert Land Entry Act.

RULING

Applications 32948 and 32949 are denied on the grounds that this appropriation of underground water for irrigation would tend to impair the value of existing rights and would be detrimental to the public interest and welfare within the Lower Meadow Valley Ground Water Basin.

Respectfully submitted,



Peter G. Morros
State Engineer

PGM/HR/ja

Dated this 31st day

of MARCH, 1983.

FOOTNOTES

1. Public records in the office of the State Engineer.
2. Chapter 533.357 of the Nevada Revised Statutes (NRS).
3. Public records in the office of the State Engineer, Order No. 803.
4. Water Resources-Reconnaissance Series, Report 27, page 26.
5. Public records in the office of the State Engineer.
6. Public records in the office of the State Engineer, Ruling No. 2792.
7. NRS 533.025 and NRS 533.030, subsection 1.
8. NRS 533.370, subsection 3.