

IN THE MATTER OF APPLICATIONS 39001 )  
THROUGH 39025, INCLUSIVE, FILED TO )  
APPROPRIATE THE PUBLIC WATERS OF AN )  
UNDERGROUND SOURCE IN SARCOBATUS )  
FLAT, NYE COUNTY, NEVADA. )

RULING

GENERAL

I

Application 39001<sup>1</sup> was filed on September 7, 1979, by Donald G. Passmore to appropriate 2.5 c.f.s. of water from an underground source for irrigation and domestic purposes on 80 acres of land within the E1/2 SE1/4 Section 11, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NE1/4 SE1/4 Section 11, T.8S., R.44E., M.D.B.&M.

Application 39002<sup>1</sup> was filed on September 7, 1979, by Donald G. Passmore to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SW1/4 Section 11, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 11, T.8S., R.44E., M.D.B.&M.

Application 39003<sup>1</sup> was filed on September 7, 1979, by Donald G. Passmore to appropriate 2.5 c.f.s. of water from an underground source for irrigation and domestic purposes on 80 acres of land within the W1/2 SE1/4 Section 11, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 11, T.8S., R.44E., M.D.B.&M.

Application 39004<sup>1</sup> was filed on September 7, 1979, by Patricia M. Kisling to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SE1/4 Section 10, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 10, T.8S., R.44E., M.D.B.&M.

Application 39005<sup>1</sup> was filed on September 7, 1979, by Patricia M. Kisling to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SW1/4 Section 10, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 10, T.8S., R.44E., M.D.B.&M.

Application 39006<sup>1</sup> was filed on September 7, 1979, by Raymond F. Kisling to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SE1/4 Section 9, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 9, T.8S., R.44E., M.D.B.&M.

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<sup>1</sup> Public record in the office of the Nevada State Engineer.

Application 39007<sup>1</sup> was filed on September 7, 1979, by Raymond F. Kisling to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SW1/4 Section 9, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 9, T.8S., R.44E., M.D.B.&M.

Application 39008<sup>1</sup> was filed on September 7, 1979, by Paul P. Kalpakoff to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SE1/4 Section 8, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 8, T.8S., R.44E., M.D.B.&M.

Application 39009<sup>1</sup> was filed on September 7, 1979, by Paul P. Kalpakoff to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SW1/4 Section 8, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 8, T.8S., R.44E., M.D.B.&M.

Application 39010<sup>1</sup> was filed on September 7, 1979, by Sandra L. Kalpakoff to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SW1/4 Section 7, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 7, T.8S., R.44E., M.D.B.&M.

Application 39011<sup>1</sup> was filed on September 7, 1979, by Sandra L. Kalpakoff to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SE1/4 Section 7, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 7, T.8S., R.44E., M.D.B.&M.

Application 39012<sup>1</sup> was filed on September 7, 1979, by Richard Oldfield to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SE1/4 Section 6, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 6, T.8S., R.44E., M.D.B.&M.

Application 39013<sup>1</sup> was filed on September 7, 1979, by Richard Oldfield to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the NE1/4 Section 6, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NE1/4 NE1/4 Section 6, T.8S., R.44E., M.D.B.&M.

Application 39014<sup>1</sup> was filed on September 7, 1979, by Aleta E. Tucker to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the NE1/4 Section 5, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 5, T.8S., R.44E., M.D.B.&M.

Application 39015<sup>1</sup> was filed on September 7, 1979, by Aleta E. Tucker to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SE1/4 Section 5, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 5, T.8S., R.44E., M.D.B.&M.

Application 39016<sup>1</sup> was filed on September 7, 1979, by Victoria L. Fuentes to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the NW1/4 Section 5, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 5, T.8S., R.44E., M.D.B.&M.

Application 39017<sup>1</sup> was filed on September 7, 1979, by Victoria L. Fuentes appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SW1/4 Section 5, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 5, T.8S., R.44E., M.D.B.&M.

Application 39018<sup>1</sup> was filed on September 7, 1979, by Donna J. Bachman to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SE1/4 Section 4, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 4, T.8S., R.44E., M.D.B.&M.

Application 39019<sup>1</sup> was filed on September 7, 1979, by Donna J. Bachman to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the NE1/4 Section 4, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NE1/4 Section 4, T.8S., R.44E., M.D.B.&M.

Application 39020<sup>1</sup> was filed on September 7, 1979, by Gloria J. Iepoch to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SW1/4 Section 4, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 4, T.8S., R.44E., M.D.B.&M.

Application 39021<sup>1</sup> was filed on September 7, 1979, by Gloria J. Iepoch to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the NW1/4 Section 4, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 NW1/4 Section 4, T.8S., R.44E., M.D.B.&M.

Application 39022<sup>1</sup> was filed on September 7, 1979, by Linda M. Bachman to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SE1/4 Section 3, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 3, T.8S., R.44E., M.D.B.&M.

Application 39023<sup>1</sup> was filed on September 7, 1979, by Linda M. Bachman to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SW1/4 Section 3, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 3, T.8S., R.44E., M.D.B.&M.

Application 39024<sup>1</sup> was filed on September 7, 1979, by Carl J. Newmiller to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SE1/4 Section 2, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SE1/4 Section 2, T.8S., R.44E., M.D.B.&M.

Application 39025<sup>1</sup> was filed on September 7, 1979, by Carl J. Newmiller to appropriate 5.0 c.f.s. of water from an underground source for irrigation and domestic purposes on 160 acres of land within the SW1/4 Section 2, T.8S., R.44E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 2, T.8S., R.44E., M.D.B.&M.

## II

Ground-Water Resources-Reconnaissance Series Report 10 titled "Ground-Water Appraisal of Sarcobatus Flat and Oasis Valley, Nye and Esmeralda Counties, Nevada", was prepared cooperatively by the Geological Survey, U.S. Department of Interior and State of Nevada, Department of Conservation and Natural Resources.

## FINDINGS

### I

The estimated average annual recharge<sup>2</sup> to and discharge from the ground-water reservoir in Sarcobatus Flat is on the order of 3,500 acre-feet annually. Approximately 1,200 acre-feet of the recharge is derived from precipitation within the drainage basin and 2,000 acre-feet from ground-water underflow from the adjacent basins Stonewall Flat and Gold Flat.

Ground-water discharge from Sarcobatus Flat includes about 3,000 acre-feet of evapotranspiration by native vegetation and 500 acre-feet of ground-water underflow out of the basin to Grapevine Canyon.

The amount of ground-water that can be pumped from the ground-water reservoir in Sarcobatus Flat on a perennial basis depends largely on the annual recharge to the ground-water system that can be diverted to wells, which could not exceed the total discharge of about 3,500 acre-feet without exceeding the perennial yield.

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<sup>2</sup> Ground-Water Resources-Reconnaissance Series Report 10.

Additionally, ground-water in Sarcobatus Flat commonly contains relatively high concentrations of sodium and bicarbonate,<sup>2</sup> and consequently moderate to extensive leaching will probably be required for irrigating most crops.

Withdrawals of ground-water, in excess of the perennial yield contribute to adverse conditions<sup>3</sup> such as water quality degradation, storage depletion, diminishing yield of wells, increased economic pumping lifts, land subsidence and possible reversal of ground-water gradients which could result in significant changes in the recharge-discharge relationship. These conditions have developed in several other ground-water basins<sup>3</sup> within the State of Nevada where storage depletion and declining water tables have been recorded and documented.

## II

Information<sup>1</sup> available to the State Engineer indicates that Applications 39001 through 39025, inclusive, were filed in support of Desert Land Entry applications. NRS 533.367 establishes the order of priority the State Engineer must consider in acting on applications for irrigation use within the same basin.

## III

Permits and certificates of appropriation have been issued<sup>1</sup> under existing rights for approximately 4,900 acre-feet of ground-water within the Sarcobatus ground-water basin.

## IV

Should additional water be allowed for appropriation under new applications and subsequent development of ground-water pursuant thereto detrimentally affect prior ground-water rights, the State Engineer is required by law<sup>4</sup> to order withdrawals be restricted to conform to priority rights.

## V

The approval<sup>5</sup> of Applications 39001 through 39025, inclusive, would authorize the additional withdrawal of 19,200 acre-feet of ground-water which would substantially exceed the perennial yield of the ground-water basin.

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<sup>3</sup> See attached Appendix of References.

<sup>4</sup> NRS 534.110(6).

<sup>5</sup> Public record in the office of the Nevada State Engineer under Applications 39001 through 39025, inclusive.

CONCLUSIONS

I

The State Engineer has jurisdiction under the provisions of NRS Chapters 533 and 534.

II

The State Engineer is prohibited by law<sup>6</sup> from granting a permit where:

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

III

The granting of permits under Applications 39001 through 39025, inclusive, would result in the withdrawal of substantial amounts of ground-water in excess of the perennial yield of the ground-water basin and would therefore adversely affect existing rights and be detrimental to the public interest and welfare.

RULING

Applications 39001 through 39025, inclusive, are herewith denied on the grounds that the granting thereof would adversely affect existing rights and would be detrimental to the public interest and welfare.

Respectfully submitted,



Peter G. Morros  
State Engineer

PGM/bl  
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Dated this 8th day of  
MARCH, 1984.

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<sup>6</sup> NRS 533.370.

APPENDIX OF REFERENCES

Land Subsidence in Las Vegas Valley, 1935-63, Information Series No. 5 U.S.G.S.

State of Nevada, Department of Highways, Report on Land Subsidence in Las Vegas Valley.

Evaluation of the Water Resources of Lemmon Valley with Emphasis on Effects of Ground-Water Development to 1971, J.R. Harrill, Water Resources Bulletin No. 42, United States Geological Survey and State of Nevada, State Engineer's Office, Division of Water Resources, Department of Conservation and Natural Resources, 1972.

Hydrologic Response to Irrigation Pumping in Diamond Valley, Eureka and Elko Counties, Nevada, 1950-65, J.R. Harrill, Water Resources Bulletin No. 35, United States Geological Survey and State of Nevada, State Engineer's Office, Division of Water Resources, Department of Conservation and Natural Resources, 1968.

Effects of Irrigation Development on the Water Supply Quin River Valley area, Nevada and Oregon, 1950-1964, C.J. Huxel, Jr., Water Resource Bulletin No. 34, United States Geological Survey and State of Nevada, State Engineer's Office, Division of Water Resources, Department of Conservation and Natural Resources, 1966.

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The Effects of Pumping on the Hydrology of Kings River Valley, Humboldt County, Nevada, 1957-1964, G.T. Malmberg and G.F. Worts, Jr., Water Resource Bulletin No. 31, United States Geological Survey and State of Nevada, State Engineer's Office, Division of Water Resources, Department of Conservation and Natural Resources, 1966.

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Subsidence in Las Vegas Valley, John w. Bell, Nevada Bureau of Mines and Geology Bulletin 95.

Subsidence in United States due to Ground-Water Overdraft - A Review, J.F. Poland, Proceedings of the Irrigation and Drainage Division Specialty Conference, April 1973, American Society of Civil Engineers.