

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 48389)
AND 48390 FILED TO APPROPRIATE THE)
PUBLIC WATERS OF AN UNDERGROUND)
SOURCE IN VIRGIN RIVER VALLEY, LINCOLN)
COUNTY, NEVADA.)

RULING 3073

GENERAL

Application 48389 was filed on September 10, 1984, by David W. and Kathy S. Bingham to appropriate 4.0 c.f.s. of water from an underground source for irrigation purposes on 126.28 acres of land within the NE1/4 SE1/4, SE1/4 SW1/4, SW1/4 SW1/4 Section 33, T.4S., R.70E., M.D.B.&M., and the NW1/4 NE1/4 Section 4, T.5S., R.70E., M.D.B.&M. The point of diversion is described as being within the SW1/4 SW1/4 Section 33, T.4S., R.70E., M.D.B.&M.¹

Application 48390 was filed on September 10, 1984, by David W. and Kathy S. Bingham to appropriate 4.0 c.f.s. of water from an underground source for irrigation purposes on 110.17 acres of land within the NW1/4 SW1/4, NE1/4 SW1/4, SW1/4 SW1/4 Section 33, SE1/4 SE1/4 and the SW1/4 SE1/4 Section 32, T.4S., R.70E., M.D.B.&M. The point of diversion is described as being within the NW1/4 SW1/4 Section 33, T.4S., R.70E., M.D.B.&M.¹

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.²

II.

Ground water recharge originates mainly as precipitation within the area.³ Estimated recharge from precipitation in Nevada is 3,100 acre-feet north of the river and 500 acre-feet south of the river or a total recharge of 3,600 acre-feet per year.⁴

¹ Public record in the office of the State Engineer under Applications 48389 and 48390.

² Public record in the office of the State Engineer.

³ Reconnaissance Series Report 51, p. 36.

⁴ Reconnaissance Series Report 51, p. 38.



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.²

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

V.

Prior applications to appropriate water from this ground water basin have been denied.²

VI.

The State Engineer described and designated the Virgin River Valley Ground Water Basin on August 18, 1980.⁶

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 in 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

⁵ NRS 534.110, subsections 3 and 6.

⁶ NRS 534.030.

⁷ NRS 533.325.

⁸ NRS 533.370, subsection 3.

III.

The State Engineer may deny an application prior to publication where a previous application for a similar use of water has been rejected within the same basin⁸

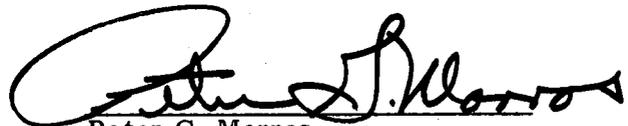
IV.

If the subject applications were reported on favorably, additional lands would be irrigated. This would result in additional consumptive use of 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 48389 and 48390 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 and, additionally, on the grounds that applications for a similar use within the same ground water basin have been denied in the past.

Respectfully submitted



Peter G. Morros
State Engineer

PGM/MD/bl

Dated this 5th day of

December, 1984.