

IN THE OFFICE OF THE STATE ENGINEER

IN THE MATTER OF APPLICATIONS 48228, )  
48704 AND 48705 FILED TO APPROPRIATE )  
PUBLIC THE WATERS OF AN )  
UNDERGROUND SOURCE WITHIN DIAMOND )  
VALLEY, EUREKA COUNTY, NEVADA. )

RULING

GENERAL

Application 48228 was filed on July 25, 1984, by Devel's Gate Water User's Coop, Inc., to appropriate 0.06 c.f.s. of water from an underground source for quasi-municipal and domestic purposes within Lots 15 and 16 Section 29, T.20N., R.53E., M.D.B.&M. The point of diversion is described as being within Lot 16 Section 29, T.20N., R.53E., M.D.B.&M.<sup>1</sup>

Application 48704 was filed on January 11, 1985, by Devel's Gate Water User's Coop, Inc., to appropriate 0.15 c.f.s. of water from an underground source for quasi-municipal purposes within the E1/2 Section 17, T.20N., R.53E., M.D.B.&M. The point of diversion is described as being within the SW1/4 NE1/4 Section 17, T.20N., R.53E., M.D.B.&M.<sup>1</sup>

Application 48705 was filed on January 11, 1985, by Devel's Gate Water User's Coop, Inc., to appropriate 0.15 c.f.s. of water from an underground source for quasi-municipal purposes within the E1/2 Section 17, T.20N., R.53E., M.D.B.&M. The point of diversion is described as being within Lot 3 Section 17, T.20N., R.53E., M.D.B.&M.<sup>1</sup>

FINDINGS OF FACT

I.

The Diamond Valley Ground Water Basin was designated by Order of the State Engineer on August 5, 1964.<sup>2</sup>

II.

Notices of Curtailment of Water Appropriation within the Diamond Valley Ground Water Basin were issued by the State Engineer on December 22, 1975, and July 10, 1978.<sup>3</sup>

-----  
<sup>1</sup> Public record on file in the office of the State Engineer.

<sup>2</sup> State Engineer's Orders 277 and 280, public record in the office of the State Engineer.

<sup>3</sup> State Engineer's Orders 541 and 717, public record in the office of the State Engineer.

III.

In 1981, the estimated annual water withdrawal in Diamond Valley was 71,744 acre-feet with an estimated recharge of approximately 30,000 acre-feet from primary precipitation infiltration.<sup>4</sup>

IV.

Extensive monitoring of wells in Diamond Valley has indicated a substantial decline in the static water levels in excess of 50 feet from 1967 to 1984.<sup>5</sup> The points of diversion described under the applications are in an area of substantial development in Diamond Valley.

V.

The Seventh Judicial District Court found, in a decision of a recent water right case, (No. 3077), that: "The Diamond Valley Basin, a designated basin, is having too much underground water withdrawn. It is overappropriated". The State Engineer has additionally held extensive public hearings in Diamond Valley concerning possible curtailment of ground water withdrawals under existing rights. The record set forth in these hearings constitutes substantial evidence of over appropriation and declining water tables.<sup>6</sup>

VI.

The State Engineer is authorized to designate preferred uses in designated ground water basins where the resource is being depleted.<sup>7</sup>

CONCLUSIONS

I.

The State Engineer has jurisdiction of the parties and subject matter of this action.<sup>8</sup>

-----  
<sup>4</sup> Abstract of water rights, underground sources Diamond Valley Basin, public record in the office of the State Engineer.

<sup>5</sup> Summary of Pumpage Inventories 1975 through 1984 and Summary of Water Level Measurements on Selected Wells, 1964 through 1984 (spring and fall measurements (April 1982)). See record of public hearings before the State Engineer on curtailment of pumping in Diamond Valley, public record in the office of the State Engineer.

<sup>6</sup> Nevada Ringsby Farms, et al., v. Peter G. Morros, State Engineer, Case No. 3077, Seventh Judicial District, County of Eureka, State of Nevada. Also public record on administrative hearings is available in the office of the State Engineer.

<sup>7</sup> NRS 534.120, subsection 2.

<sup>8</sup> NRS 533.325.

II.

The State Engineer is prohibited by statute from granting a permit where:<sup>9</sup>

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

III.

The State Engineer concludes that, based upon the record of substantial evidence, the water resource in the Diamond Valley Ground Water Basin is being depleted thereby contributing to adverse conditions.<sup>10</sup>

RULING

Applications 48228, 48704 and 48705 are hereby denied on the grounds that the granting thereof would adversely affect and impair existing rights and would not be in the public interest and welfare.

Respectfully submitted

  
Peter G. Morros  
State Engineer

PGM/KN/bl

Dated this 28th day of

June, 1985.

-----  
<sup>9</sup> NRS 533.370, subsection 3.

<sup>10</sup> See Appendix of References.

## 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 Quinn 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.

Hydrologic Response to Irrigation Pumping in Hualapai Flat, Washoe, Pershing and Humboldt Counties, Nevada, 1960-1967, J.R. Harrill, Water Resource Bulletin No. 37, United States Geological Survey and State of Nevada, State Engineer's Office, Division of Water Resources, Department of Conservation and Natural Resources, 1969.

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.

Effects of Ground-Water Development on the Water Regimen of Paradise Valley, Humboldt County, Nevada, 1948-1968, and Hydrologic Reconnaissance of the Tributary Areas, J.R. Harrill and D.O. Moore, Water Resource Bulletin No. 39, United States Geological Survey, 1970.

Ground-Water Storage Depletion in Pahrump Valley, Nevada-California, 1962-75, J.R. Harrill, Open File Report 81-635, United States Geological Survey, 1982, prepared in cooperation with Nevada Division of Water Resources.

Development of a Relation for Steady State Pumping Rate for Eagle Valley Ground-Water Basin, Nevada, F.E. Arteaga, T.J. Durbin, United States Geological Survey, 1978, prepared in cooperation with Nevada Division of Water Resources.

Basic Ground-Water Hydrology, Ralph C. Heath, U.S. Geological Survey Water Supply Paper 2220, 1983.

Methods of Determining Permeability, Transmissibility and Drawdown, U.S. Geological Survey Water Supply Paper 1536-1, R.H. Brown, J.G. Ferris, C.E. Jacob, D.B. Knowles, R.R. Meyer, H.E. Skibitzke and C.F. Theis, 1963.

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.